

AN ACT

To amend sections 1.14, 5.2247, 9.08, 9.318, 9.47, 9.821, 9.822, 9.83, 102.02, 103.11, 103.22, 103.41, 103.60, 105.41, 107.03, 109.02, 109.08, 109.111, 109.112, 109.32, 109.57, 109.572, 109.79, 109.803, 111.16, 111.27, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 117.13, 117.22, 121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 122.011, 122.041, 122.09, 122.15, 122.151, 122.153, 122.154, 122.156, 122.17, 122.171, 122.178, 122.23, 122.403, 122.42, 122.60, 122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.84, 122.85, 122.87, 122.89, 122.90, 122.92, 122.98, 123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 124.152, 124.19, 125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.111, 125.112, 125.14, 125.18, 125.65, 125.832, 125.95, 126.021, 126.37, 126.60, 127.13, 128.55, 131.02, 131.025, 131.43, 131.50, 133.06, 135.02, 135.143, 135.45, 149.11, 149.311, 149.43, 149.434, 153.59, 155.011, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 183.021, 183.33, 184.01, 184.173, 187.03, 301.30, 307.921, 307.93, 319.54, 321.27, 323.153, 325.19, 329.12, 340.13, 341.12, 349.01, 351.021, 503.56, 504.04, 507.021, 511.10, 701.10, 715.013, 715.014, 715.72, 733.81, 901.171, 901.91, 905.59, 955.15, 1121.30, 1181.06, 1321.21, 1322.09, 1322.10, 1322.20, 1322.21, 1337.11, 1345.21, 1503.03, 1503.05, 1503.141, 1503.33, 1505.09, 1509.12,

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as indicated in parentheses, sections 9.318 (122.925), 123.151 (122.921), 123.152 (122.922), 123.153 (122.923), 123.154 (122.924), 155.011 (155.29), 1509.70 (155.30), 1509.71 (155.31), 1509.72 (155.32), 1509.73 (155.33), 1509.74 (155.34), 1509.75 (155.35), 1509.77 (155.36), 1509.78 (155.37), 3701.881 (3740.11), 3746.071 (3746.07), 4303.233 (4303.236), and 4303.234 (4303.235); to enact new sections 3317.017, 3317.0215, 3317.0217, 3317.0218, 4303.233, and 4303.234 and sections 5.246, 5.2527, 9.27, 9.58, 101.55, 107.121, 113.70, 113.71, 113.72, 113.73, 113.74, 113.75, 113.76, 113.77, 117.55, 122.6511, 122.6512, 122.851, 124.1312, 125.70, 149.309, 153.013, 173.012, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410, 340.022, 727.031, 940.111, 1501.29, 1503.271, 1546.31, 1547.533, 1707.47, 1707.471, 1707.49, 1716.21, 2151.25, 2151.316, 2151.4115, 2151.4116, 2151.4117, 2151.4118, 2151.4119, 2151.4120, 2151.4121, 2151.4122, 2743.76, 2915.14, 2915.15, 3301.23, 3301.85, 3302.043, 3302.103, 3302.42, 3304.24, 3307.091, 3310.033, 3310.034, 3310.036, 3310.411, 3310.70, 3313.6026, 3313.6412, 3313.905, 3314.089, 3314.262, 3314.355, 3317.011, 3317.012, 3317.018, 3317.019, 3317.0110, 3317.026, 3317.071, 3317.072, 3317.11, 3317.162, 3319.318, 3319.319, 3319.393, 3319.47, 3326.44, 3327.016, 3327.017, 3327.018, 3327.021, 3327.101, 3333.125, 3333.301, 3333.615, 3345.027, 3345.063, 3345.82, 3365.035, 3375.011, 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, 3501.054, 3701.0410, 3701.0411, 3701.145, 3709.012, 3721.081,

3727.80, 3736.021, 3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99, 3772.37, 3796.31, 3902.72, 3953.331, 3953.36, 4104.33, 4104.35, 4141.286, 4303.237, 4505.104, 4513.602, 4513.603, 4713.351, 4729.284, 4731.152, 4731.33, 4731.90, 4743.10, 4779.281, 5101.04, 5101.041, 5101.1416, 5101.1417, 5101.1418, 5101.545, 5101.806, 5101.8812, 5103.163, 5119.191, 5120.212, 5123.025, 5123.026, 5123.034, 5123.603, 5162.82, 5163.52, 5165.261, 5168.90, 5301.05, 5713.083, 5747.72, 5747.73, 5747.75, 5747.79, 5751.052, and 5751.091; to repeal sections 109.802, 111.29, 117.49, 117.50, 122.404, 149.08, 183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 341.121, 1503.012, 1509.76, 1533.38, 1546.24, 3301.0724, 3301.122, 3301.46, 3301.922, 3310.08, 3310.09, 3310.55, 3310.56, 3313.5316, 3313.901, 3314.033, 3314.085, 3314.088, 3314.30, 3314.31, 3314.37, 3314.53, 3317.017, 3317.029, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219, 3317.163, 3317.26, 3317.27, 3326.05, 3326.111, 3326.33, 3326.41, 3326.42, 3328.33, 3333.611, 3333.612, 3333.614, 3333.67, 3735.01, 3746.07, 4503.515, 5123.046, 5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 5167.172, 5701.15, and 5741.032 of the Revised Code; to amend Section 8 of S.B. 18 of the 134th General Assembly, Section 5 of H.B. 123 of the 133rd General Assembly, Section 733.61 of H.B. 166 of the 133rd General Assembly, Section 29 of H.B. 197 of the 133rd General Assembly, Sections 4 and 5 of S.B. 276 of the 133rd General Assembly, Section 2 of H.B. 308 of the 133rd General Assembly, Sections 213.10, 221.10, 221.13, 223.10, 223.15, 223.50, 227.10,

233.10, and 237.13 of S.B. 310 of the 133rd General Assembly, Sections 207.28 and 223.15 as subsequently amended of H.B. 481 of the 133rd General Assembly, and Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly, as subsequently amended, and to repeal Section 757.50 of H.B. 59 of the 130th General Assembly; to amend the version of section 3319.227 of the Revised Code that is scheduled to take effect April 12, 2023; to amend sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01, to enact sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99, and to repeal sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, 3727.99, and 5703.95 of the Revised Code; to amend sections 9.78, 9.79, and 4798.01 of the Revised Code, to repeal the versions of sections 101.721, 101.921, and 121.621 of the Revised Code that are scheduled to take effect on October 9, 2021, to amend Section 2 of H.B. 263 of the 133rd General Assembly, and to amend the version of section 9.78 of the Revised Code that is scheduled to take effect on October 9, 2021; to make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of

state programs.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 101.01. That sections 1.14, 5.2247, 9.08, 9.318, 9.47, 9.821, 9.822, 9.83, 102.02, 103.11, 103.22, 103.41, 103.60, 105.41, 107.03, 109.02, 109.08, 109.111, 109.112, 109.32, 109.57, 109.572, 109.79, 109.803, 111.16, 111.27, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 117.13, 117.22, 121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 122.011, 122.041, 122.09, 122.15, 122.151, 122.153, 122.154, 122.156, 122.17, 122.171, 122.178, 122.23, 122.403, 122.42, 122.60, 122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.84, 122.85, 122.87, 122.89, 122.90, 122.92, 122.98, 123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 124.152, 124.19, 125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.111, 125.112, 125.14, 125.18, 125.65, 125.832, 125.95, 126.021, 126.37, 126.60, 127.13, 128.55, 131.02, 131.025, 131.43, 131.50, 133.06, 135.02, 135.143, 135.45, 149.11, 149.311, 149.43, 149.434, 153.59, 155.011, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 183.021, 183.33, 184.01, 184.173, 187.03, 301.30, 307.921, 307.93, 319.54, 321.27, 323.153, 325.19, 329.12, 340.13, 341.12, 349.01, 351.021, 503.56, 504.04, 507.021, 511.10, 701.10, 715.013, 715.014, 715.72, 733.81, 901.171, 901.91, 905.59, 955.15, 1121.30, 1181.06, 1321.21, 1322.09, 1322.10, 1322.20, 1322.21, 1337.11, 1345.21, 1503.03, 1503.05, 1503.141, 1503.33, 1505.09, 1509.12, 1509.13, 1509.28, 1509.70, 1509.71, 1509.72, 1509.73, 1509.74, 1509.75, 1509.77, 1509.78, 1513.08, 1521.06, 1521.061, 1521.40, 1521.99, 1531.01, 1531.17, 1531.33, 1531.35, 1533.01, 1533.101, 1533.11, 1533.321, 1546.06, 1546.21, 1547.59, 1551.01, 1551.33, 1551.35, 1561.12, 1561.23, 1703.27, 1706.83, 1707.37, 1710.01, 1710.06, 1733.321, 1901.31, 1907.15, 2133.01, 2151.011, 2151.152, 2151.23, 2151.362, 2151.412, 2151.416, 2151.421, 2151.451, 2151.452, 2151.453, 2303.05, 2317.54, 2323.52, 2329.312, 2743.01, 2743.02, 2743.03, 2743.15, 2743.16, 2743.19, 2746.04, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 2921.36, 2929.15, 2929.19, 2929.34, 2953.25, 2953.31, 2953.33, 2967.04, 2967.17, 2967.28, 2981.13, 3107.11, 3107.15, 3119.01, 3301.079, 3301.0712, 3301.0714, 3301.0715, 3302.036, 3302.04, 3302.20, 3302.41, 3307.31, 3309.51, 3310.02, 3310.03, 3310.032, 3310.035, 3310.07, 3310.10, 3310.13, 3310.16, 3310.41, 3310.51, 3310.52,

3310.54, 3310.57, 3310.62, 3311.741, 3312.01, 3313.411, 3313.48, 3313.488, 3313.60, 3313.603, 3313.608, 3313.6011, 3313.6013, 3313.61, 3313.618, 3313.619, 3313.6113, 3313.6114, 3313.63, 3313.64, 3313.713, 3313.842, 3313.902, 3313.974, 3313.975, 3313.976, 3313.978, 3313.979, 3313.98, 3313.981, 3314.013, 3314.016, 3314.017, 3314.02, 3314.021, 3314.03, 3314.034, 3314.05, 3314.06, 3314.08, 3314.083, 3314.084, 3314.086, 3314.087, 3314.091, 3314.11, 3314.191, 3314.20, 3314.24, 3314.261, 3314.353, 3315.18, 3317.013, 3317.014, 3317.016, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.028, 3317.0212, 3317.0213, 3317.0214, 3317.03, 3317.051, 3317.062, 3317.063, 3317.064, 3317.16, 3317.161, 3317.20, 3317.201, 3317.25, 3318.038, 3319.087, 3319.151, 3319.227, 3319.229, 3319.236, 3319.31, 3319.57, 3319.60, 3319.61, 3319.99, 3324.05, 3324.09, 3326.01, 3326.02, 3326.03, 3326.032, 3326.04, 3326.07, 3326.08, 3326.10, 3326.101, 3326.11, 3326.14, 3326.23, 3326.31, 3326.32, 3326.35, 3326.36, 3326.39, 3326.40, 3326.51, 3327.01, 3327.02, 3328.24, 3328.32, 3328.34, 3333.049, 3333.051, 3333.31, 3333.38, 3333.61, 3333.613, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.68, 3333.69, 3333.79, 3335.38, 3345.32, 3354.01, 3357.09, 3358.01, 3365.01, 3365.02, 3365.03, 3365.032, 3365.04, 3365.07, 3365.08, 3501.302, 3701.021, 3701.022, 3701.132, 3701.362, 3701.501, 3701.602, 3701.61, 3701.613, 3701.831, 3701.881, 3701.916, 3702.304, 3702.511, 3703.01, 3703.03, 3709.052, 3709.06, 3709.07, 3713.02, 3717.22, 3717.221, 3721.02, 3734.57, 3734.85, 3734.901, 3735.65, 3735.67, 3735.671, 3736.01, 3737.17, 3737.71, 3741.14, 3745.014, 3745.11, 3746.01, 3746.04, 3746.071, 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, 3746.35, 3770.06, 3770.073, 3772.01, 3791.07, 3794.01, 3794.03, 3796.28, 3902.50, 3902.60, 3902.70, 3905.04, 3929.87, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 4141.01, 4141.131, 4141.21, 4141.22, 4141.51, 4141.53, 4141.55, 4301.03, 4301.10, 4301.12, 4301.30, 4301.42, 4301.43, 4301.432, 4301.62, 4301.82, 4303.03, 4303.031, 4303.071, 4303.17, 4303.185, 4303.2010, 4303.232, 4303.233, 4303.234, 4303.26, 4303.271, 4303.33, 4303.332, 4303.333, 4303.99, 4501.21, 4503.066, 4505.09, 4511.191, 4513.601, 4513.62, 4709.10, 4713.02, 4715.36, 4719.01, 4723.431, 4729.43, 4729.80, 4729.86, 4730.43, 4731.22, 4735.05, 4735.14, 4735.15, 4735.211, 4755.01, 4755.02, 4755.04, 4755.05, 4755.06, 4755.08, 4755.11, 4755.12, 4755.42, 4755.421, 4755.47, 4755.48, 4755.64, 4757.10, 4763.15, 4779.28, 4779.33, 4781.04, 4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02, 4927.01, 5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.341, 5101.54, 5101.63, 5101.741, 5101.802, 5101.971, 5103.02,

5103.031, 5103.0310, 5103.0316, 5104.01, 5104.017, 5104.07, 5104.29, 5104.31, 5104.34, 5107.10, 5119.27, 5119.33, 5119.34, 5119.36, 5119.37, 5119.43, 5119.99, 5120.035, 5120.62, 5123.19, 5123.35, 5123.89, 5124.01, 5124.101, 5124.15, 5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23, 5124.29, 5124.30, 5124.38, 5124.39, 5124.40, 5124.41, 5124.46, 5126.044, 5126.05, 5126.054, 5126.055, 5126.056, 5126.071, 5126.131, 5145.31, 5149.31, 5149.38, 5153.122, 5153.124, 5153.163, 5163.06, 5163.061, 5164.34, 5164.342, 5165.01, 5165.15, 5165.151, 5165.16, 5165.17, 5165.191, 5165.26, 5165.36, 5165.771, 5166.01, 5167.10, 5167.16, 5168.60, 5168.61, 5301.13, 5301.14, 5301.15, 5301.18, 5301.21, 5322.01, 5322.02, 5322.03, 5501.332, 5502.30, 5540.02, 5701.11, 5703.21, 5703.70, 5705.16, 5705.19, 5709.121, 5709.17, 5709.40, 5709.41, 5709.61, 5709.62, 5709.63, 5709.631, 5709.632, 5709.92, 5709.93, 5726.20, 5727.75, 5727.80, 5727.81, 5731.21, 5731.24, 5731.28, 5731.41, 5739.01, 5739.02, 5739.021, 5739.03, 5739.09, 5741.01, 5741.03, 5741.17, 5747.01, 5747.02, 5747.05, 5747.065, 5747.08, 5747.10, 5747.98, 5751.01, 5751.02, 5751.03, 5751.40, 5902.09, 5919.34, 6101.48, 6101.53, 6109.121, 6111.027, 6111.13, and 6301.06 be amended; sections 9.318 (122.925), 123.151 (122.921), 123.152 (122.922), 123.153 (122.923), 123.154 (122.924), 155.011 (155.29), 1509.70 (155.30), 1509.71 (155.31), 1509.72 (155.32), 1509.73 (155.33), 1509.74 (155.34), 1509.75 (155.35), 1509.77 (155.36), 1509.78 (155.37), 3701.881 (3740.11), 3746.071 (3746.07), 4303.233 (4303.236), and 4303.234 (4303.235) be amended, for the purpose of adopting new section numbers as indicated in parentheses; and new sections 3317.017, 3317.0215, 3317.0217, 3317.0218, 4303.233, and 4303.234 and sections 5.246, 5.2527, 9.27, 9.58, 101.55, 107.121, 113.70, 113.71, 113.72, 113.73, 113.74, 113.75, 113.76, 113.77, 117.55, 122.6511, 122.6512, 122.851, 124.1312, 125.70, 149.309, 153.013, 173.012, 307.631, 307.632, 307.633, 307.634, 307.635, 307.636, 307.637, 307.638, 307.639, 307.641, 307.642, 307.643, 307.644, 307.645, 307.646, 307.647, 307.648, 307.649, 307.6410, 340.022, 727.031, 940.111, 1501.29, 1503.271, 1546.31, 1547.533, 1707.47, 1707.471, 1707.49, 1716.21, 2151.25, 2151.316, 2151.4115, 2151.4116, 2151.4117, 2151.4118, 2151.4119, 2151.4120, 2151.4121, 2151.4122, 2743.76, 2915.14, 2915.15, 3301.23, 3301.85, 3302.043, 3302.103, 3302.42, 3304.24, 3307.091, 3310.033, 3310.034, 3310.036, 3310.411, 3310.70, 3313.6026, 3313.6412, 3313.905, 3314.089, 3314.262, 3314.355, 3317.011, 3317.012, 3317.018, 3317.019, 3317.0110, 3317.026, 3317.071, 3317.072, 3317.11, 3317.162, 3319.318, 3319.319, 3319.393, 3319.47, 3326.44, 3327.016, 3327.017, 3327.018, 3327.021, 3327.101, 3333.125, 3333.301,

3333.615, 3345.027, 3345.063, 3345.82, 3365.035, 3375.011, 3376.01, 3376.02, 3376.03, 3376.04, 3376.05, 3376.06, 3376.07, 3376.08, 3501.054, 3701.0410, 3701.0411, 3701.145, 3709.012, 3721.081, 3727.80, 3736.021, 3740.01, 3740.02, 3740.03, 3740.04, 3740.05, 3740.07, 3740.10, 3740.99, 3772.37, 3796.31, 3902.72, 3953.331, 3953.36, 4104.33, 4104.35, 4141.286, 4303.237, 4505.104, 4513.602, 4513.603, 4713.351, 4729.284, 4731.152, 4731.33, 4731.90, 4743.10, 4779.281, 5101.04, 5101.041, 5101.1416, 5101.1417, 5101.1418, 5101.545, 5101.806, 5101.8812, 5103.163, 5119.191, 5120.212, 5123.025, 5123.026, 5123.034, 5123.603, 5162.82, 5163.52, 5165.261, 5168.90, 5301.05, 5713.083, 5747.72, 5747.73, 5747.75, 5747.79, 5751.052, and 5751.091 of the Revised Code be enacted to read as follows:

Sec. 1.14. The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that, when the last day falls on Sunday or a legal holiday, the act may be done on the next succeeding day that is not Sunday or a legal holiday.

When a public office in which an act, required by law, is to be performed is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday as defined in this section.

"Legal holiday" as used in this section means the following days:

- (A) The first day of January, known as New Year's day;
- (B) The third Monday in January, known as Martin Luther King day;
- (C) The third Monday in February, known as Washington-Lincoln day;
- (D) The day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day;
- (E) The nineteenth day of June, known as Juneteenth day;
- (F) The fourth day of July, known as Independence day;
- ~~(F)~~(G) The first Monday in September, known as Labor day;
- ~~(G)~~(H) The second Monday in October, known as Columbus day;
- ~~(H)~~(I) The eleventh day of November, known as Veterans' day;
- ~~(I)~~(J) The fourth Thursday in November, known as Thanksgiving day;
- ~~(J)~~(K) The twenty-fifth day of December, known as Christmas day;
- ~~(K)~~(L) Any day appointed and recommended by the governor of this state or the president of the United States as a holiday.

If any day designated in this section as a legal holiday falls on Sunday, the next succeeding day is a legal holiday.

Sec. 5.2247. The nineteenth day of June is designated as "Juneteenth

~~National Freedom Day~~" to acknowledge the freedom, history, and culture that June 19, 1865, the day on which the last slaves in the United States were set free in Texas, has come to symbolize. This day is a legal holiday.

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

Sec. 5.2527. The fourth week of June is designated as "Postpartum Cardiomyopathy Awareness Week" to increase public awareness of postpartum cardiomyopathy, which is a form of heart failure that can happen during the last month of pregnancy or up to five months after giving birth.

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

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

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

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

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

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

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

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

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

(C)(1) No prisoner in a private correctional facility shall access the

internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

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

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

(2) Whoever violates division (C)(1) of this section is guilty of improper internet access, a misdemeanor of the first degree.

Sec. 9.27. (A) As used in this section, "state" and "state agency" mean the state of Ohio, including the governor, lieutenant governor, secretary of state, auditor of state, attorney general, and treasurer of state, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio, but not including the general assembly or any legislative agency, or any court or judicial agency.

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

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

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

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

(4) A provision that requires the state to agree to limit the liability for any direct loss to the state for bodily injury, death, or damage to property of the state caused by the negligence, intentional or willful misconduct, fraudulent act, recklessness, or other tortious conduct of a person or a person's employees or agents, or a provision that would otherwise impose an indemnification obligation on the state.

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

(6) A provision that provides for a person other than the attorney general to serve as legal counsel for the state or for any state agency, unless

allowed for under the process set forth in section 109.07 of the Revised Code.

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

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

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

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

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

(E) This section does not apply to a contract in effect before the effective date of this section or to the renewal or extension of a contract in effect before the effective date of this section.

Sec. 9.47. (A) Any person desiring to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code may make application for a certificate of compliance with affirmative action programs. Application shall be made to the ~~equal employment opportunity coordinator of the department of administrative services or the employee who succeeds to that officer's duties~~ development. The ~~coordinator~~ director of development's designee shall promptly determine whether the person has complied with all federal affirmative action programs to which the person was subject and any state affirmative action program to which the person was subject pursuant to section 153.59 of the Revised Code which state or federal affirmative action program arose out of a contract the person had with the federal government, the state, or a political subdivision of the state. Where the ~~coordinator~~ director's designee determines the person has not committed any violation of such prior affirmative action programs during the five years immediately preceding the date of determination, the ~~coordinator~~ director's designee shall issue a dated certificate of compliance with affirmative action programs. The ~~coordinator~~ director's designee may issue an updated certificate to a person upon request but not more frequently than once every one hundred eighty days. A person who violates an

affirmative action program during the five years preceding the date of determination is ineligible to bid on a contract awarded pursuant to Chapter 153. of the Revised Code by an owner referred to in section 153.01 of the Revised Code or awarded by the director of transportation pursuant to Chapter 5525. of the Revised Code for a period of three years after the date of determination.

~~(B) Notwithstanding division (A) of this section, this section is prospective in operation only and applicable to a violation of an affirmative action program that occurs after December 13, 1979. For the purpose of determining whether or not to issue a certificate of compliance with affirmative action programs during the five years subsequent to December 13, 1979, the coordinator shall make any specific determination based upon the period from December 13, 1979 to the date on which the determination is made, even though the period involved is less than five years. Five years after December 13, 1979, the coordinator shall make any determination solely pursuant to division (A) of this section.~~

~~(C)~~ Any person denied a certificate or an updated certificate may appeal to the director of administrative services development for a review of ~~the coordinator's~~ that determination. The appeal must be filed within ten days of the date of the determination. The director shall, within five days after receipt of the appeal, either affirm or reverse the ~~coordinator's~~ determination.

~~(D)~~(C) Any person dissatisfied with the decision of the director on review may, within thirty days, appeal the decision of the director to the court of common pleas of Franklin county. The court may affirm or reverse the decision of the director. At the hearing before the court, evidence may be introduced for and against the decision of the director. The decision of the court may be appealed as in other cases.

~~(E)~~(D) The director of administrative services development, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend or rescind, rules to implement this section.

Sec. 9.58. (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

(B) In any civil action in a state or federal court, no public official, including any attorney representing or acting on behalf of a public official, has any authority to compromise or settle the action, consent to any condition, or agree to any order in connection therewith if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or

conflicts with any provision of the Revised Code.

(C) Any compromise, settlement, condition, or order to which a public official agrees that conflicts with division (B) of this section is void and has no legal effect.

(D) Nothing in this section shall be construed to limit or otherwise restrict any powers granted by Article IV, Ohio Constitution.

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

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

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

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

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

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

(4) Consolidate and combine state insurance coverages;

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

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

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

(E) With respect to any civil action, demand, or claim against the state that could be filed in the court of claims, nothing in sections 9.82 to 9.823 of

the Revised Code shall be interpreted to permit the settlement or compromise of those civil actions, demands, or claims, except in the manner provided in Chapter 2743. of the Revised Code.

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

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

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

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

(3) Insuring and maintaining a judicial liability program.

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

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

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

(2) Provide performance bonds to any party.

Sec. 9.83. (A) The state and any political subdivision may procure a policy or policies of insurance insuring its officers and employees against liability for injury, death, or loss to person or property that ~~arises out of the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by the officers or employees while engaged~~ occurs in the course of their employment or official responsibilities for the state or the political subdivision. The state is authorized to expend funds to pay judgments that are rendered in any court against its officers or employees ~~and that result from such operation~~, and is authorized to expend funds to compromise claims for liability against its officers or employees ~~that result from such operation~~. No insurer shall deny coverage under such a policy, and the state shall not refuse to pay judgments or compromise claims, on the ground that an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft was not being used in the course of an officer's or employee's employment or official responsibilities for the state or a political subdivision unless the officer or employee who was operating an automobile, truck, motor vehicle with auxiliary equipment, or self-propelling equipment or trailer is convicted of a violation of section 124.71 of the Revised Code as a result of the same events.

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

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

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

(E) For purposes of liability insurance procured under this section to cover the operation of a motor vehicle by a prisoner for whom the insurance is procured, "employee" includes a prisoner in the custody of the department of rehabilitation and correction who is enrolled in a work program that is established by the department pursuant to section 5145.16 of the Revised

Code and in which the prisoner is required to operate a motor vehicle, as defined in section 4509.01 of the Revised Code, and who is engaged in the operation of a motor vehicle in the course of the work program.

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

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

(H) The director of administrative services shall collect from each state agency or any participating state body its contribution to the ~~vehicle~~ liability program for the purpose of purchasing insurance or administering self-insurance programs for coverage authorized under this section. The amount of the contribution shall be determined by the director, with the approval of the director of budget and management. It shall be based upon actuarial assumptions and the relative risk and loss experience of each state agency or participating state body. The amount of the contribution also shall include a reasonable sum to cover administrative costs of the department of administrative services. The amounts collected pursuant to this division shall be deposited in the risk management reserve fund to the credit of the ~~vehicle~~ liability program.

Sec. 101.55. (A) When a party to an action in state or federal court challenges the constitutionality of a statute, facially or as applied, challenges a statute as violating or preempted by federal law, or otherwise challenges the construction or validity of a statute, as part of a claim or affirmative defense, the house of representatives, the senate, and the general assembly may intervene to defend against the action as set forth under division (A) of this section at any time in the action as a matter of right by serving motion upon the parties as provided in the Rules of Civil Procedure.

(1) The speaker of the house of representatives may intervene at any time in the action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost

of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes.

(2) The president of the senate may intervene at any time in the action on behalf of the senate. The president may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president intervenes.

(3) The president of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in the action on behalf of the general assembly. The president and the speaker, acting jointly, may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the general assembly in any action in which the president and speaker jointly intervene.

(B) When a party to an action in state or federal court challenges a general assembly district plan, or any of its districts, adopted under Article XI, Ohio Constitution, or challenges a congressional district plan, or any of its districts, adopted by the Ohio redistricting commission under Article XIX, Ohio Constitution, the speaker of the house of representatives, the president of the senate, and the Ohio redistricting commission may intervene to defend against any such action as set forth under division (B) of this section at any time in the action as a matter of right by serving motion upon the parties as provided in the Rules of Civil Procedure.

(1) The speaker of the house of representatives may intervene at any time in the action on behalf of the house of representatives. The speaker may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the house of representatives in any action in which the speaker intervenes.

(2) The president of the senate may intervene at any time in the action on behalf of the senate. The president may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the senate in any action in which the president intervenes.

(3) The president of the senate and the speaker of the house of representatives, acting jointly, may intervene at any time in the action on behalf of the Ohio redistricting commission. The president and the speaker, acting jointly, may obtain legal counsel other than from the attorney general, with the cost of representation paid from funds appropriated for that purpose, to represent the Ohio redistricting commission in any action in which the president and speaker jointly intervene.

(C) No individual member, or group of members, of the senate, the house of representatives, or the Ohio redistricting commission, except the president and the speaker as provided under this section, shall intervene in an action described in this section or obtain legal counsel at public expense under this section, in the member's or group's capacity as a member or members of the senate, the house of representatives, or the Ohio redistricting commission.

(D) Notwithstanding any contrary provision of law, the participation of the speaker of the house of representatives or the president of the senate in any state or federal action, as a party or otherwise, does not constitute a waiver of the legislative immunity or legislative privilege of any member, officer, or staff of the general assembly.

Sec. 102.02. (A)(1) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances

and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; ~~members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation;~~ all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

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

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

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero

or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

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

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

confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose in the brief description of the nature of services required by division (A)(2)(b)(i) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

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

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

(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(2)(e) of this section shall not be construed to require the disclosure of

debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

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

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

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

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

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

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

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

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

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

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

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

employment.

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

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

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

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

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential

conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

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

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

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

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

For state office, except member of the state board of education	\$95
For office of member of general assembly	\$40
For county office	\$60
For city office	\$35
For office of member of the state board of education	\$35
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
For position of business manager, treasurer, or superintendent of a	

city, local, exempted village, joint	
vocational, or cooperative education	
school district or	
educational service center	\$30

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

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

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

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

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

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

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the

Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 103.11. There is hereby created, in the legislative branch of government, the Ohio legislative service commission consisting of fourteen members as follows: six members shall be members of the senate appointed by the president of the senate, not more than four of whom shall be members of the same political party; six members shall be members of the house of representatives appointed by the speaker of the house of representatives, not more than four of whom shall be members of the same political party; the president of the senate; and the speaker of the house of representatives.

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

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

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

Sec. 103.22. The Ohio legislative service commission shall meet as often as is necessary to perform its duties, ~~provided that in any event it shall meet at least once each quarter.~~ Eight members shall constitute a quorum, and the majority thereof shall have authority to act on new matters within the jurisdiction of the commission. They shall formulate rules of procedure and prescribe the policies for the performance of its duties and functions.

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

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

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

(a) The department of medicaid;

(b) Each state agency and political subdivision with which the

department of medicaid contracts under section 5162.35 of the Revised Code to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision;

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

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

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

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

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

(D) In odd-numbered years, the speaker shall designate one of the majority members from the house as the JMOC chairperson, the president shall designate one of the majority members from the senate as the JMOC vice-chairperson, and the president shall designate one of the minority members from the senate as the JMOC ranking minority member. In even-numbered years, the president shall designate one of the majority members from the senate as the JMOC chairperson, the speaker shall designate one of the majority members from the house as the JMOC vice-chairperson, and the speaker shall designate one of the minority members from the house as the JMOC ranking minority member.

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

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

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

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

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

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

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

(B) There is hereby created the rare disease advisory council. The purpose of the council is to advise the general assembly regarding research,

diagnosis, and treatment efforts related to rare diseases across the state.

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

(1) The following members appointed by the governor:

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

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

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

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

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

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

(g) One representative of a national organization representing patients with a rare disease;

(h) One representative of a rare disease foundation operating in this state;

(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;

(j) One representative of the department of medicaid;

(k) One representative of the department of insurance;

(l) One representative of the commission on minority health;

(m) One representative of the Ohio hospital association;

(n) One representative of Ohio health insurers;

(o) One representative of bioOhio;

(p) One representative of the association of Ohio health commissioners;

(q) One representative of the pharmaceutical research and manufacturers of America.

(2) ~~Two~~ The following members of the senate, ~~one from the majority party and one from the minority party, both~~ appointed by the president of the senate:

(a) Two members of the senate, one from the majority party and one from the minority party;

(b) Three members of the public, one of whom is recommended by the

minority leader of the senate.

~~(3) Two~~ The following members of the house of representatives, ~~one from the majority party and one from the minority party,~~ both appointed by the speaker of the house of representatives:

(a) Two members of the house of representatives, one from the majority party and one from the minority party;

(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.

(4) The governor or the governor's designee.

~~(D)(1) Not later than thirty days after the effective date of this section~~ April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty days after the commencement of the first regular session of each general assembly.

(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.

(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:

(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;

(2) The council's findings and recommendations regarding rare disease research and care in this state;

(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state.

(F) The council shall annually select from among its members a chairperson or co-chairpersons.

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

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

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

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

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

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

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

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

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

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

(C) The board shall hold meetings in a manner and at times prescribed by the rules adopted by the board. A majority of the board constitutes a quorum, and no action shall be taken by the board unless approved by at least six members or by at least seven members if a person is appointed under division (A)(4) or (5) of this section. At its first meeting, the board shall adopt rules for the conduct of its business and the election of its officers, and shall organize by selecting officers other than a chairperson as it considers necessary. In odd-numbered years, the majority member from the senate shall serve as chairperson; in even-numbered years, the majority member from the house of representatives shall serve as chairperson. Board members shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

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

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

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

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

(4) Adopt, amend, or rescind rules necessary to accomplish the duties of the board as set forth in this section;

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

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

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

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

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

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

(4) Establish and maintain the capitol collection trust. The capitol collection trust shall consist of furniture, antiques, and other items of personal property that the board shall store in suitable facilities until they are ready to be displayed in the capitol square.

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

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

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

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

(2) Fees, receipts, and revenues received by the board from the state

underground parking garage constitute available receipts as defined in section 154.24 of the Revised Code, and may be pledged to the payment of bond service charges on obligations issued by the treasurer of state pursuant to Chapter 154. of the Revised Code to improve, finance, or purchase capital facilities useful to the board. The treasurer of state may, with the consent of the board, provide in the bond proceedings for a pledge of all or a portion of those fees, receipts, and revenues as the treasurer of state determines. The treasurer of state may provide in the bond proceedings or by separate agreement with the board for the transfer of those fees, receipts, and revenues to the appropriate bond service fund or bond service reserve fund as required to pay the bond service charges when due, and any such provision for the transfer of those fees, receipts, and revenues shall be controlling notwithstanding any other provision of law pertaining to those fees, receipts, and revenues.

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

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

(2) There is hereby created the parking garage automated equipment fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. Money in the fund shall be used to purchase the automated teller machine quality dollar bills needed for operation of the parking garage automated equipment. The fund shall consist of fees, receipts, or revenues received by the board from the state underground parking garage; provided, however, that the total amount deposited into the fund at any one time shall not exceed ten thousand dollars. All investment earnings of the fund shall be credited to the fund.

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

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

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

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

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

(J) There is hereby created in the state treasury the capitol square improvement fund, to be used by the board to pay construction, renovation, and other costs related to the capitol square for which money is not otherwise available to the board. Whenever the board determines that there is a need to incur those costs and that the unencumbered, unobligated balance to the credit of the underground parking garage operating fund exceeds the amount needed for the purposes specified in division (F) of this section and for the operation and maintenance of the garage, the board may request the director of budget and management to transfer from the underground parking garage operating fund to the capitol square improvement fund the amount needed to pay such construction, renovation, or other costs. The director then shall transfer the amount needed from the excess balance of the underground parking garage operating fund.

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

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

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

(N) Any person may possess a firearm in a motor vehicle in the state underground parking garage at the state capitol building, if the person's

possession of the firearm in the motor vehicle is not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code. Any person may store or leave a firearm in a locked motor vehicle that is parked in the state underground parking garage at the state capitol building, if the person's transportation and possession of the firearm in the motor vehicle while traveling to the garage was not in violation of section 2923.16 of the Revised Code or any other provision of the Revised Code.

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

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

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

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

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

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

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

(2) A detailed statement showing the amounts recommended to be appropriated from each fund for each fiscal year of the biennium for current expenses, including, but not limited to, personal services, supplies and materials, equipment, subsidies and revenue distribution, merchandise for resale, transfers, and nonexpense disbursements, obligations, interest on debt, and retirement of debt, and for the biennium for capital outlay, to the respective departments, offices, institutions, as defined in section 121.01 of the Revised Code, and all other public purposes; and, in comparative form, the actual expenses by source of funds during each fiscal year of the

previous two bienniums for each such purpose. No alterations shall be made in the requests for the legislative and judicial branches of the state filed with the director of budget and management under section 126.02 of the Revised Code. If any amount of federal money is recommended to be appropriated or has been expended for a purpose for which state money also is recommended to be appropriated or has been expended, the amounts of federal money and state money involved shall be separately identified.

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

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

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

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

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

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

commission detailing all of the following:

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

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

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

(1) The services the entity provided;

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

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

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

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

Such special counsel shall be paid for their services from funds collected by them in an amount approved by the attorney general. In addition to the amount certified, the amounts paid to special counsel may be assessed as collection costs consistent with section 131.02 of the Revised Code and shall be fully recoverable from the party indebted. The amounts assessed as collection costs under this section are in addition to any amounts authorized under section 109.081 of the Revised Code.

The attorney general is authorized to provide to the special counsel the official letterhead stationery of the attorney general. The attorney general may authorize the special counsel to use the letterhead stationery, but only

in connection with the collection of such claims arising out of amounts certified by the state and political subdivisions.

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

Sec. 109.111. There is hereby created in the state treasury the attorney general court order and settlement fund, ~~which shall be in the custody of the treasurer of state but shall not be part of the state treasury.~~ The fund shall consist of all money ~~collected or received~~ the attorney general receives on behalf of the state or any agency or officer of the state as a result of an order of any court to be received or secured by, or delivered to, the attorney general for transfer, distribution, disbursement, or allocation pursuant to court order or judgment or any settlement or compromise of claims, other than any amount due to the state or a political subdivision that is being collected under section 131.02 of the Revised Code. All money in the fund, including investment earnings thereon, shall be ~~used~~ distributed solely to make payment as directed pursuant to court order in accordance with section 109.112 of the Revised Code.

Sec. 109.112. ~~If the state of Ohio or any agency or officer of the state is named in a court order to be the recipient of any money collected or received by the attorney general~~ When any money is deposited in the attorney general court order and settlement fund created under section 109.111 of the Revised Code, the attorney general shall ~~notify~~ proceed as follows:

(A) If the total amount of money to be received under the order, judgment, settlement, or compromise is ten thousand dollars or more, the attorney general shall notify the governor, the speaker of the house of representatives, the president of the senate, and the director of budget and management of the amount. The controlling board shall determine the appropriate custodial fund or funds within the state treasury to which the money shall be transferred, and the director, in consultation with the attorney general, shall transfer the money from the attorney general court order and settlement fund to the appropriate fund or funds.

(B) If the total amount of money to be received under the order, judgment, settlement, or compromise is less than ten thousand dollars, the attorney general shall notify the director of budget and management of the amount of money to be collected or received under, and the terms of, the court order. The director, in consultation with the attorney general, shall determine ~~the appropriate distribution of the money to the appropriate custodial fund or funds within the state treasury, consistent with the terms of~~

~~the order. Upon its collection or receipt to which the money shall be transferred, and~~ the attorney general shall transfer the money from the attorney general court order and settlement fund to the appropriate fund or funds ~~as determined by the director.~~

Sec. 109.32. (A) All annual filing fees obtained by the attorney general pursuant to section 109.31 of the Revised Code, all receipts obtained from the sale of the charitable foundations directory, all registration fees received by the attorney general, bond forfeitures, awards of costs and attorney's fees, and civil penalties assessed under Chapter 1716. of the Revised Code, all license fees received by the attorney general under section 2915.08, 2915.081, or 2915.082 of the Revised Code, all fees received by the attorney general under section 2915.15 of the Revised Code, and all filing fees received by the attorney general under divisions (F) and (G) of section 2915.02 of the Revised Code, shall be paid into the state treasury to the credit of the charitable law fund. ~~The~~

(B)(1) Except as otherwise provided in divisions (B)(2) and (3) of this section, the charitable law fund shall be used insofar as its moneys are available for the expenses of the charitable law section of the office of the attorney general, ~~except that all.~~

(2) All annual license fees that are received by the attorney general under section 2915.08, 2915.081, or 2915.082 of the Revised Code, and all filing fees received by the attorney general under divisions (F) and (G) of section 2915.02 of the Revised Code, that are credited to the fund shall be used by the attorney general, or any law enforcement agency in cooperation with the attorney general, for the purposes specified in division (H) of section 2915.10 of the Revised Code and to administer and enforce Chapter 2915. of the Revised Code. ~~The~~

(3) All fees received by the attorney general under section 2915.15 of the Revised Code that are credited to the fund shall be used for the purposes specified in that section.

(C) The expenses of the charitable law section in excess of moneys available in the charitable law fund shall be paid out of regular appropriations to the office of the attorney general.

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(5)(a), or

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

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen

years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

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

(b) The style and number of the case;

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

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

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

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

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if

committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

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

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

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

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic,

automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to be known as the Ohio law enforcement gateway to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

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

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

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

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program

participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records check is performed.

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

(4) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child if not more than five years have elapsed since the date of the adjudication, the adjudication was for an act that would have been a felony if committed by an adult, the records of the adjudication have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 of the Revised Code, and the request for information is made under division (F) of this section or under section 109.572 of the Revised Code. In the case of an adjudication for a

violation of the terms of community control or supervised release, the five-year period shall be calculated from the date of the adjudication to which the community control or supervised release pertains.

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any provider or subcontractor as defined in section 5123.081 of the Revised Code; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed under Chapter 5104. of the Revised Code; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, subject to division (E)(2) of this section, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, subject to division (E)(2) of this section, the superintendent shall send to the board, entity, or

person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, subject to division (E)(2) of this section, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

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

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

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

(G) In addition to or in conjunction with any request that is required to be made under section ~~3701.881~~, 3712.09, ~~or 3721.121~~, or 3740.11 of the Revised Code with respect to an individual who has applied for employment

in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

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

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

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, subject to division (E)(2) of this section, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

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

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

(J) As used in this section:

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04,

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

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

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

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

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

2925.22, 2925.23, or 3716.11 of the Revised Code;

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

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, ~~3701.881~~ 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, or 5123.081 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

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

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

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(5) Upon receipt of a request pursuant to section 5104.013 of the

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

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

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

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent

of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense in this state, any other state, or the United States.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 928.03, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

United States.

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

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

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

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

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records

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

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

(b) A disqualifying offense as specified in rules adopted under section 9.79 and division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

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

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

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

(15) On receipt of a request pursuant to section 4768.06 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the

manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or in any other state.

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

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

(18) Upon receipt of a request pursuant to division (F) of section 2915.081 or division (E) of section 2915.082 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty or no contest to any offense that is a violation of Chapter 2915. of the Revised Code or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such an offense.

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

(1) The superintendent shall review or cause to be reviewed any relevant

information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, ~~3701.881~~, 3740.11, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

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

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in the relevant provision of division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) (A) of this section, ~~whichever division requires the superintendent to conduct the criminal records check.~~ The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

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

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

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

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

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

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall

provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

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

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

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

(G) As used in this section:

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

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

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

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

Sec. 109.79. (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The

school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

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

The Ohio peace officer training commission shall determine tuition costs sufficient in the aggregate to pay the costs of operating the academy. Tuition paid by a political subdivision of the state or by the state public defender's office shall be deposited into the state treasury to the credit of the peace officer training academy fee fund, which is hereby established. The attorney general shall use money in the fund to pay costs associated with operation of the academy. The costs of acquiring and equipping the academy shall be paid from appropriations made by the general assembly to the Ohio peace officer training commission for that purpose, from gifts or grants received for that purpose, or from fees for goods related to the academy.

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

The law enforcement officers, during the period of their training, shall receive compensation as determined by the political subdivision that sponsors them or, if the officer is a criminal investigator employed by the state public defender, as determined by the state public defender. The political subdivision may pay the tuition costs of the law enforcement

officers they sponsor and the state public defender may pay the tuition costs of criminal investigators of that office who attend the academy.

If trainee vacancies exist, the academy may train and issue certificates of satisfactory completion to peace officers who are employed by a campus police department pursuant to section 1713.50 of the Revised Code, by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code, or by a railroad company, who are amusement park police officers appointed and commissioned by a judge of the appropriate municipal court or county court pursuant to section 4973.17 of the Revised Code, or who are bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, or hospital police officers appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code, provided that no such officer shall be trained at the academy unless the officer meets the qualifications established for admission to the academy and the qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park or the private college or university that established the campus police department prepays the entire cost of the training. A qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park or a private college or university that has established a campus police department is not entitled to reimbursement from the state for any amount paid for the cost of training the bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions peace officers; the railroad company's peace officers; or the peace officers of the qualified nonprofit corporation police department, campus police department, hospital, or amusement park.

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

The academy shall permit tactical medical professionals to attend training courses at the academy that are designed to qualify the professionals to carry firearms while on duty under section 109.771 of the Revised Code

and that provide training comparable to training mandated under the rules required by division (A) of section 109.748 of the Revised Code. The executive director of the Ohio peace officer training commission may certify tactical medical professionals who satisfactorily complete the training courses. The law enforcement agency served by a tactical medical professional who attends the academy may pay the tuition costs of the professional.

(B) As used in this section:

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

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

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

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

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

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

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

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

(2) An appointing authority may submit a written request to the peace officer training commission that requests for a calendar year because of

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

Upon receipt of a written request made under this division, the executive director of the commission shall review the request and the submitted documentation. If the executive director of the commission is satisfied that emergency circumstances exist for any peace officer or trooper for whom a request was made under this division, the executive director may approve the request for that peace officer or trooper and grant an extension of the time within which that peace officer or trooper must complete the required minimum number of hours of continuing professional training set by the commission. An extension granted under this division may be for any period of time the executive director believes to be appropriate, and the executive director shall specify in the notice granting the extension the date on which the extension ends. Not later than thirty days after the date on which a request is submitted to the commission, for each peace officer and trooper for whom an extension is requested, the executive director either shall approve the request and grant an extension or deny the request and deny an extension and shall send to the appointing authority that submitted the request written notice of the executive director's decision.

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

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

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

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

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

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

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

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

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

(ii) Constitutional protections from illegal search and seizure;

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

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

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

(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;

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

(C) The attorney general shall transmit a certified copy of any rule

adopted under this section to the secretary of state.

(D) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;

(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in

the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code;

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

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

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

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

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

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

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

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

(1) An application for the exclusive right to use a name or an application to reserve a name for future use under section 1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the Revised Code, thirty-nine dollars;

(2) A trade name or fictitious name registration or report, thirty-nine dollars;

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars;

(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars.

(T) For filing and recording a report to operate a business trust or a real

estate investment trust, either foreign or domestic, ninety-nine dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars;

(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars;

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

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

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

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

Sec. 111.27. There is hereby established in the state treasury the board of elections reimbursement and education fund. The fund shall be used by the secretary of state to reimburse boards of elections ~~for various purposes, including reimbursements made under~~ pursuant to sections 3513.301, 3513.312, 3515.071, and 3521.03 of the Revised Code, and to provide training and educational programs for members and employees of boards of elections. The fund shall receive transfers of cash pursuant to controlling board action ~~and also shall receive revenues from fees, gifts, grants, donations, and other similar receipts.~~

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

(B) There is hereby created in the state treasury the miscellaneous federal grants fund. ~~All~~ Except as otherwise provided in division (A) of this

section, all moneys the secretary of state receives as grants from federal sources ~~that are not otherwise designated~~ shall be credited to the fund. The secretary of state shall use the moneys credited to the fund for the purposes and activities required by the applicable federal grant agreements. All investment earnings of the fund shall be credited to the fund.

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

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

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

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

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

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

(E) "State entity" means the general assembly, the supreme court, the court of claims, the office of an elected state officer, or a department, bureau, board, office, commission, agency, institution, instrumentality, or other governmental entity of this state established by the constitution or laws of this state for the exercise of any function of state government, but excludes a political subdivision, an institution of higher education, a state retirement system, and the city of Cincinnati retirement system. "State entity" does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(F) "State retirement system" means the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system.

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

organization, state entity, or other party, including any executive officer, legislative officer, judicial officer, or member or employee of a state entity, that does either of the following:

(1) Sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a state entity pursuant to a contract between the supplier and a state entity;

(2) Receives reimbursement from a state entity for any expense.

Sec. 113.71. (A) The treasurer of state, in collaboration with the directors of budget and management and administrative services, shall establish and maintain the Ohio state and local government expenditure database. The database shall be accessible on the web site of the treasurer of state and the web site of the office of budget and management.

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

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

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

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

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

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

(A) The amount of the expenditure;

(B) The date the expenditure was paid;

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

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

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

(1) A searchable database of all expenditures;

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

(a) The category of expense;

(b) The Ohio administrative knowledge system accounting code for a specific good or service.

(3) The ability to search and filter by any of the factors listed in section 113.72 of the Revised Code;

(4) The ability to aggregate data contained in the database;

(5) The ability to determine the total amount of expenditures awarded to a supplier by a state entity;

(6) The ability to download information obtained through the database;

(7) A searchable database of state and school district employee salary and employment information.

(B) The information required under division (A)(7) of this section shall be provided by the department of administrative services or the department of education, as applicable.

Sec. 113.74. Not later than one year after the Ohio state and local government expenditure database is implemented, the treasurer of state shall coordinate with the director of budget and management to provide an opportunity for public comment as to the utility of the database.

Sec. 113.75. The Ohio state and local government expenditure database shall not include any information that is determined to be confidential or is not a public record under the laws of this state. All of the following are not liable for the disclosure of a record contained in the Ohio state and local government expenditure database that is determined to be confidential or is not a public record under the laws of this state:

(A) The treasurer of state;

(B) Employees of the treasurer of state;

(C) A state entity;

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

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

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

Sec. 117.04. The auditor of state shall appoint a chief deputy auditor of

~~state, whose~~ who shall be a certified public accountant with an active Ohio permit. The appointment shall be in writing under the official seal of the auditor of state and recorded in the office of the secretary of state.

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

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

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

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

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

~~The auditor of state may employ experts or assistants necessary to disclose the facts concerning any matter and, and fix their~~ the compensation of auditors, investigators, and other staff necessary to carry out the statutory responsibilities of the office.

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

manner:

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

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

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

(1) Except as provided in divisions (B)(2) and (3) of this section, any costs of an audit of a private institution, association, board, or corporation receiving public money for its use shall be charged to the public office providing the public money in the same manner as costs of an audit of the public office.

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

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

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

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

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

(C) The total costs of audits of local public offices, both direct and

indirect, shall be recovered by the auditor of state in the following manner:

(1) The total costs of all audits of local public offices, both direct and indirect, shall be paid to the auditor of state on statements rendered by the auditor of state. Money so received by the auditor of state shall be paid into the state treasury to the credit of the public audit expense fund-local government, which is hereby created, and shall be used to pay costs related to such audits. The costs of audits of a local public office shall be charged to the local public office being audited, unless otherwise determined by the auditor of state. The charges billed to the local public office for the cost of audits performed shall be offset subject to the availability of resources from the local government audit support fund created under section 117.131 of the Revised Code, the general revenue fund, or other state sources provided to the auditor of state for such purposes. The auditor of state shall establish the manner in which the offset shall be determined. The costs of any ~~assistant auditor~~, employee, or expert employed pursuant to section 117.09 of the Revised Code called upon to testify in any legal proceedings in regard to any audit, or called upon to review or discuss any matter related to any audit, may be charged to the public office to which the audit relates.

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

(3) The auditor of state shall provide each local public office a statement or certification of the amount due from the public office for services performed by the auditor of state under this or any other section of the Revised Code, as well as the date upon which payment is due to the auditor of state. The auditor of state is authorized to negotiate with any local public office and, upon agreement between the auditor of state and the local public office, may adopt a schedule for payment of the amount due under this section. Any local public office that does not pay the amount due to the auditor of state by that date may be assessed by the auditor of state for interest from the date upon which the payment is due at the rate per annum prescribed by section 5703.47 of the Revised Code. All interest charges assessed by the auditor of state may be collected in the same manner as audit costs pursuant to division (D) of this section.

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

(D) If the auditor of state fails to receive payment for any amount due,

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

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

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

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

(2) "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders,

delivery orders, or other similar and related transactions. It does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, or from the offices of the attorney general, the secretary of state, the auditor of state, or the treasurer of state.

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

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

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

(E) If the auditor of state is authorized to conduct an audit of an entity that receives or has received a state award for economic development, the audit shall be conducted in accordance with Chapter 117. of the Revised Code.

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the

director of health;

(H) The department of job and family services, which shall be administered by the director of job and family services;

(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;

(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;

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

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

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

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

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

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

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

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

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

(A) The director of budget and management;

(B) The director of commerce;

(C) The director of transportation;

(D) The director of agriculture;

(E) The director of job and family services;

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

(G) The director of public safety;

- (H) The superintendent of insurance;
- (I) The director of development ~~services~~;
- (J) The tax commissioner;
- (K) The director of administrative services;
- (L) The director of natural resources;
- (M) The director of mental health and addiction services;
- (N) The director of developmental disabilities;
- (O) The director of health;
- (P) The director of youth services;
- (Q) The director of rehabilitation and correction;
- (R) The director of environmental protection;
- (S) The director of aging;
- (T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;
- (U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;
- (V) The chancellor of higher education;
- (W) The medicaid director.

Sec. 121.07. (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial institutions, the superintendent of financial institutions and the division of financial institutions are independent of and are not subject to the control of the department or the director of commerce. In the absence of the superintendent of financial institutions, the director of commerce shall, for a limited period of time, perform or exercise any of those functions, powers, or duties or authorize the deputy superintendent for banks to perform or exercise any of the functions, ~~power~~ powers, or duties vested by Title XI and sections 1315.01 to 1315.18 of the Revised Code in the superintendent and the deputy superintendent for credit unions to perform or exercise any of the functions, powers, or duties vested by Chapters 1733. and 1761. of the Revised Code in the superintendent.

(B) With the approval of the governor, the director of each department shall establish divisions within the department, and distribute the work of

the department among such divisions. Each officer created by section 121.04 of the Revised Code shall be the head of such a division, except for the equal opportunity employment coordinator, who shall report to a position determined by the director of administrative services.

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

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

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

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

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

(2) All provisions of law governing the superintendent of financial institutions shall apply to and govern the superintendent of financial institutions provided for in this section; all authority vested by law in the superintendent of financial institutions with respect to the management of the division of financial institutions shall be construed as vested in the superintendent of financial institutions created by this section with respect to the division of financial institutions provided for in this section; and all rights, privileges, and emoluments conferred by law upon the superintendent of financial institutions shall be construed as conferred upon the superintendent of financial institutions as head of the division of financial institutions. The director of commerce shall not transfer from the division of financial institutions any of the functions specified in division (C)(2) of this section.

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

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

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

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

(H) There is hereby created in the department of commerce a division of real estate and professional licensing, which shall be under the control and supervision of the director of commerce. The division of real estate and

professional licensing shall be administered by the superintendent of real estate and professional licensing. The superintendent of real estate and professional licensing shall exercise the powers and perform the functions and duties delegated to the superintendent under Chapters 4735., 4763., 4764., 4767., and 4768. of the Revised Code.

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

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

(K) The department of commerce or a division of the department created by the Revised Code that is acting with authorization on the department's behalf may request from the bureau of criminal identification and investigation pursuant to section 109.572 of the Revised Code, or coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for the persons whose identities are required to be disclosed by an applicant for the issuance or transfer of a permit, license, certificate of registration, or certification issued or transferred by the department or division. At or before the time of making a request for a criminal records check, the department or division may require any person whose identity is required to be disclosed by an applicant for the issuance or transfer of such a license, permit, certificate of registration, or certification to submit to the department or division valid fingerprint impressions in a format and by any media or means acceptable to the bureau

of criminal identification and investigation and, when applicable, the federal bureau of investigation. The department or division may cause the bureau of criminal identification and investigation to conduct a criminal records check through the federal bureau of investigation only if the person for whom the criminal records check would be conducted resides or works outside of this state or has resided or worked outside of this state during the preceding five years, or if a criminal records check conducted by the bureau of criminal identification and investigation within this state indicates that the person may have a criminal record outside of this state.

In the case of a criminal records check under section 109.572 of the Revised Code, the department or division shall forward to the bureau of criminal identification and investigation the requisite form, fingerprint impressions, and fee described in division (C) of that section. When requested by the department or division in accordance with this section, the bureau of criminal identification and investigation shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the requested criminal records check and shall forward the requisite fingerprint impressions and information to the federal bureau of investigation for that criminal records check. After conducting a criminal records check or receiving the results of a criminal records check from the federal bureau of investigation, the bureau of criminal identification and investigation shall provide the results to the department or division.

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

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

Sec. 121.084. (A) All moneys collected under sections 3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 4169.03, and 5104.051 of the Revised Code, and any other moneys collected by the division of industrial compliance shall be paid into the state treasury to the credit of the industrial compliance operating fund, which is hereby created.

The department of commerce shall use the moneys in the fund for paying the operating expenses of the division and the administrative assessment described in division (B) of this section.

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

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

(B) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(1) A grand jury;

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

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

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

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

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

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

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

(a) Suspend a license, certification, or registration without a prior

hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or

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

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

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

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

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

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

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

(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.64 of the Revised Code;

(16) Meetings of the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code;

(17) Meetings of a fetal-infant mortality review board established under section 3707.71 of the Revised Code;

(18) Meetings of a drug overdose fatality review committee described in section 307.631 of the Revised Code;

(19) Meetings of a suicide fatality review committee described in section 307.641 of the Revised Code.

(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting

assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:

- (1) Marketing plans;
- (2) Specific business strategy;
- (3) Production techniques and trade secrets;
- (4) Financial projections;

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

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

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

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

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

(1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing. Except

as otherwise provided by law, no public body shall hold an executive session for the discipline of an elected official for conduct related to the performance of the elected official's official duties or for the elected official's removal from office. If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I)(1)~~ Any(I)(1)(a) In order to enforce this section, any person may

~~bring an action to enforce this section. An~~ only do one of the following, and not both:

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

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

(b) An action under division ~~(H)(4)~~ (I)(1)(a)(ii) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person under that division, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction pursuant to division ~~(H)(4)~~ (I)(1)(b) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in division (I)(2) of this section, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

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

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

(b) If the court of common pleas does not issue an injunction pursuant to division ~~(H)(4)~~ (I)(1)(b) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

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

(4) A member of a public body who knowingly violates an injunction issued pursuant to division ~~(H)(4)~~ (I)(1)(b) of this section may be removed from office by an action brought in the court of common pleas for that

purpose by the prosecuting attorney or the attorney general.

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

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

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

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

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

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

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

(B) As used in this chapter:

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

development of human resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Cooperate with and provide technical assistance to state

departments, political subdivisions, regional and local planning commissions, tourist associations, councils of government, community development groups, community action agencies, and other appropriate organizations for carrying out the functions and duties of the department of development services agency or for the solution of community problems;

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

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

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

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

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

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

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

(14) Allocate that portion of the national recovery zone economic development bond limitation and that portion of the national recovery zone facility bond limitation that has been allocated to the state under section 1400U-1 of the Internal Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal corporation waives any portion of an allocation it receives under division (A)(14) of this section, the agency department may reallocate that

amount. Any allocation or reallocation shall be made in accordance with this section and section 1400U-1 of the Internal Revenue Code.

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

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

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

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

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

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

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

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

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

Sec. 122.09. (A) As used in this section:

(1) "Development costs" means expenditures paid or incurred by the property owner in completing a certified transformational mixed use

development project, including architectural or engineering fees paid or incurred in connection with the project and expenses incurred before the date the project is certified by the tax credit authority under division (C) of this section. In the case of a certified transformational mixed use development project that is part of a larger contiguous project that is planned to be completed in phases, "development costs" include only expenditures associated with the portion of the project that is certified by the tax credit authority and do not include expenditures incurred for other phases of the project.

(2) "Owner" means a person or persons holding a fee simple or leasehold interest in real property, including interests in real property acquired through a capital lease arrangement. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code. For the purpose of this division, "fee simple interest," "leasehold interest," and "capital lease" shall be construed in accordance with generally accepted accounting principles.

(3) "Transformational mixed use development" means a project that consists of new construction or the redevelopment, rehabilitation, expansion, or other improvement of vacant buildings or structures, or a combination of the foregoing, and that:

(a) Will have a transformational economic impact on the development site and the surrounding area;

(b) Integrates some combination of retail, office, residential, recreation, structured parking, and other similar uses into one mixed use development; and

(c) Satisfies one of the following criteria:

(i) If the development site is located within ten miles of a major city, the project includes at least one new or previously vacant building that is fifteen or more stories in height or has a floor area of at least three hundred fifty thousand square feet, or after completion will be the site of employment accounting for at least four million dollars in annual payroll, or includes two or more buildings that are connected to each other, are located on the same parcel or on contiguous parcels, and that collectively have a floor area of at least three hundred fifty thousand square feet;

(ii) If the development site is not located within ten miles of a major city, the project includes at least one new or previously vacant building that is two or more stories in height or has a floor area of at least seventy-five thousand square feet or two or more new buildings that are located on the same parcel or on contiguous parcels and that collectively have a floor area of at least seventy-five thousand square feet.

"Transformational mixed use development" may include a portion of a larger contiguous project that is planned to be completed in phases as long as the phases collectively meet the criteria described in division (A)(3) of this section.

(4) "Increase in tax collections" means the difference, if positive, of the amount of state and local taxes derived from economic activity occurring within the development site and the surrounding area during a period of time minus the amount of such taxes that are estimated to be derived from such economic activity in that site and surrounding area during the same period if the transformational mixed use project were not completed.

(5) "Completion period" means the time period beginning on the day after a transformational mixed use development is certified by the tax credit authority and ending on the fifth anniversary of the day the project is completed.

(6) "Insurance company" means a person subject to the tax imposed under section 5725.18 or 5729.03 of the Revised Code.

(7) "Contribute capital" means to invest, loan, or donate cash in exchange for an equity interest in an asset, a debt instrument, or no consideration.

(8) "Major city" means a municipal corporation that has a population greater than one hundred thousand.

(9) "Tax credit authority" means the tax credit authority created under section 122.17 of the Revised Code.

(10) "Adjusted development costs" means the development costs attributed to a complete transformational mixed use development project minus the sum of the capital contributions of any insurance companies that are preliminarily approved for a tax credit in connection with the same project.

(11) A "property owner's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the adjusted development costs and the denominator of which is the actual development costs attributed to the project.

(12) An "insurance company's share" of the increase in tax collections equals the product obtained by multiplying the total increase in tax collections since the date the transformational mixed use development project was certified by a fraction, the numerator of which is the insurance company's capital contribution to the project and the denominator of which is the actual development costs attributed to the project.

(B) The owner of one or more parcels of land in this state within which a transformational mixed use development is planned or an insurance company that contributes capital to be used in the planning or construction of such a development may apply to the tax credit authority for certification of the development and preliminary approval of a tax credit. Each application shall be filed in the form and manner prescribed by the director of development services and shall, at minimum, include a development plan comprised of all of the following information:

(1) The location of the development site and an indication of whether it is located within ten miles of a major city;

(2) A detailed description of the proposed transformational mixed use development including site plans, construction drawings, architectural renderings, or other means sufficient to convey the appearance, size, purposes, capacity, and scope of the project and, if applicable, previously completed and future phases of the project;

(3) A viable financial plan that estimates the development costs that have been or will be incurred in the completion of the project and that designates a source of financing or a strategy for obtaining financing;

(4) An estimated schedule for the progression and completion of the project including, if applicable, previously completed and future phases of the project;

(5) An assessment of the projected economic impact of the project on the development site and the surrounding area;

(6) Evidence that the increase in tax collections during the completion period will exceed ten per cent of the estimated development costs reported under division (B)(3) of this section;

(7) If the applicant is an insurance company that is not the property owner, the amount of the insurance company's capital contribution to the development and the date on which it was or will be made;

(8) Evidence that the project will not be completed unless the applicant receives the credit.

(C)(1) In determining whether to certify a project that is the subject of an application submitted under division (B) of this section, the tax credit authority shall consider the potential impact of the transformational mixed use development on the development site and the surrounding area in terms of architecture, accessibility to pedestrians, retail entertainment and dining sales, job creation, property values, connectivity, and revenue from sales, income, lodging, and property taxes. The tax credit authority shall not certify a project unless it satisfies the following conditions:

(a) The project qualifies as a transformational mixed use development

and satisfies all other criteria prescribed by this section or by rule of the director of development services;

(b) The estimated increase in tax collections during the completion period exceeds ten per cent of the estimated development costs for the project reported under division (B)(3) of this section;

(c) The project will not be completed unless the applicant receives the credit;

(d) If the development site is located within ten miles of a major city, the estimated development costs to complete the project plus, if applicable, the estimated expenditures that have been or will be incurred to complete all other contiguous phases of the project, exceed fifty million dollars.

In making its determination of whether or not to approve an application, the tax credit authority may conduct an interview of the applicant.

(2) If the tax credit authority approves an application, the authority shall issue a statement certifying the associated transformational mixed use development project and preliminarily approving a tax credit. The statement shall stipulate that receipt of a tax credit certificate is contingent upon completion of the transformational mixed use development as described in the development plan. The statement shall specify the estimated amount of the tax credit, but state that the amount of the credit is dependent upon determination of the actual development costs attributed to the project and, unless the tax credit authority grants a request by the property owner under division (F) of this section, of the increase in tax collections during the completion period.

(3) Except as otherwise provided in this division, if the applicant is an insurance company that is not the property owner, the estimated amount of the tax credit shall equal ten per cent of the insurance company's capital contribution to the project as reported in the development plan pursuant to division (B)(7) of this section. Except as otherwise provided in this division, if the applicant is the property owner, the estimated amount of the tax credit shall equal ten per cent of the estimated development costs for the project as reported in the development plan pursuant to division (B)(3) of this section minus any estimated credit amounts that have been preliminarily approved for insurance companies contributing capital to the project. The estimated credit amounts may be reduced by the tax credit authority as a condition of certifying the project if such a reduction is necessary to comply with the limitations on the amount of credits that may be preliminarily approved as prescribed by division (C)(5) of this section. The estimated credit amounts shall not be adjusted after the statement described in division (C)(2) of this section has been issued.

(4) If the tax credit authority denies an application, the authority shall notify the applicant of the reason or reasons for such determination. The authority's determination is final, but an applicant may revise and resubmit a previously denied application.

(5)(a) The tax credit authority shall not certify any transformational mixed use development projects after June 30, ~~2023~~ 2025.

(b) The tax credit authority may not preliminarily approve more than one hundred million dollars of estimated tax credits in each of fiscal years ~~2020, 2021, 2022, and 2023~~, 2024, and 2025.

(c) Not more than eighty million dollars of estimated tax credits in each such fiscal year may be preliminarily approved in connection with projects that are located within ten miles of a major city.

(d) Not more than forty million dollars of estimated tax credits may be preliminarily approved in connection with the same transformational mixed use development project.

(6) If the dollar amount of tax credits applied for under division (B) of this section in connection with projects that are located within ten miles of a major city exceeds eighty million dollars for a fiscal year, the tax credit authority shall rank those applications and certify the associated projects in order, starting with the project that presents the best combination of economic value and transformational impact. If the dollar amount of tax credits applied for in connection with projects not located within ten miles of a major city exceeds twenty million dollars for a fiscal year, the tax credit authority shall rank those applications and certify the associated projects in order, starting with the project that presents the best combination of economic value and transformational impact. In either case, the authority shall consider the following factors in ranking the applications:

(a) The projected increase in tax collections during the completion period as a percentage of the total amount of estimated tax credits that would be preliminarily approved in connection with the project;

(b) The economic impact of the project on the development site and the surrounding area and the impact of the project in terms of architecture, accessibility to pedestrians, retail entertainment and dining sales, job creation, property values, and connectivity;

(c) The expeditiousness of the schedule for completing the project, realizing the increase in tax collections, and attaining the economic and other impacts on the development site and the surrounding area.

(D) Within twelve months of the date a project is certified, the property owner shall provide the tax credit authority with an updated schedule for the progression and completion of the project and documentation sufficient to

demonstrate that construction of the project has begun. If the property owner does not provide the schedule and documentation or if construction of the project has not begun within the time prescribed by this division, the tax credit authority shall rescind certification of the project and send notice of the rescission to the property owner and each insurance company that is preliminarily approved for a tax credit in connection with the project. A property owner that receives notice of rescission may submit a new application concerning the same project under division (B) of this section.

(E) An applicant that is the property owner and is preliminarily approved for a tax credit under this section may sell or transfer the rights to that credit to one or more persons for the purpose of raising capital for the certified project. The applicant shall notify the tax credit authority upon selling or transferring the rights to the credit. The notice shall identify the person or persons to which the credit was sold or transferred and the credit amount sold or transferred to each such person. Only an applicant that owns the property may sell or transfer a credit under this division. A credit may be divided among multiple purchasers through more than one transaction but once a particular credit amount is acquired by a person other than the applicant it may not be sold or transferred again.

(F) After a transformational mixed use development project is certified and before it is completed, the property owner may request that the value of the tax credit certificates awarded in connection with the project be computed using the alternative method described in division (I) of this section. The tax credit authority shall grant the request if the authority determines, and a third party engaged by the authority at the expense of the property owner affirms, that it is reasonably certain that the increase in tax collections will exceed ten per cent of the estimated development costs within one year after the project is completed. Otherwise, the authority shall deny the request and the amount of each credit awarded in connection with the project shall be computed under division (H) of this section. The authority's determination under this division shall be delivered in writing and is final and not appealable.

(G)(1) The property owner shall notify the tax credit authority upon completion of a certified transformational mixed use development project. The notification shall include a report prepared by a third-party certified public accountant that contains a detailed accounting of the actual development costs attributed to the project.

(2) Upon receiving such a notice, unless the tax credit authority has previously granted a request by the property owner under division (F) of this section, the authority shall determine the increase in tax collections since the

date the project was certified by consulting with the tax commissioner and with the tax administrator of any municipal corporation that levies an income tax within the project site and the surrounding area. The tax commissioner and the tax administrators that are consulted pursuant to this division shall provide the tax credit authority with any information that is necessary to determine the increase in tax collections.

(3) After determining the increase in tax collections under division (G)(2) of this section, if required, and computing the value of the tax credit under division (H) or (I) of this section, as applicable, the tax credit authority shall issue a tax credit certificate to each applicant that is preliminarily approved for a credit associated with the project or to the person or persons to which such an applicant sold or transferred the rights to the credit under division (E) of this section. If the amount of the tax credit awarded to the property owner is less than the credit amount estimated under division (C) of this section and the property owner sold or transferred the rights to the credit, the tax credit authority shall reduce the amount of each tax credit certificate issued to each purchaser or recipient on a pro rata basis unless the property owner requests an alternative allocation of the credit.

(H)(1) Unless the tax credit authority granted a request by the property owner under division (F) of this section, the aggregate value of the tax credit certificates issued under division (G) of this section to the property owner and to any persons to whom the property owner sold or transferred the rights to the credit shall equal the lesser of the following:

- (a) Ten per cent of the adjusted development costs;
- (b) Five per cent of the adjusted development costs plus any amount by which the property owner's share of the increase in tax collections since the date the project was certified exceeds five per cent of the adjusted development costs;
- (c) The estimated credit amount specified in the tax credit authority's statement certifying the project and preliminarily approving the tax credit under division (C) of this section.

(2) The value of a tax credit certificate issued under division (G) of this section to an insurance company that contributed capital to the project shall equal the lesser of the following:

- (a) Ten per cent of the insurance company's actual capital contribution;
- (b) Five per cent of such capital contribution plus any amount by which the insurance company's share of the increase in tax collections since the date the project was certified exceeds five per cent of the insurance company's capital contribution;

(c) The estimated credit amount specified in the tax credit authority's statement certifying the project and preliminarily approving the tax credit under division (C) of this section.

(I) If the tax credit authority granted a request by the property owner under division (F) of this section, the value of the tax credit certificates issued in connection with the transformational mixed use development project shall be computed as follows:

(1) For the property owner or any person to which the property owner sold or transferred the rights to the credit, ten per cent of the actual development costs attributed to the project. If the amount of the credit is less than the credit amount estimated under division (C) of this section and the property owner sold or transferred the rights to the credit to more than one person, the authority shall reduce the amount of each tax credit certificate on a pro rata basis unless the property owner requests an alternative allocation of the credit.

(2) For an insurance company that contributed capital to the project, ten per cent of the insurance company's actual capital contribution.

(J) If the value of a tax credit certificate was computed under division (H) of this section for a project, the property owner, on or before the thirtieth day following the first, second, third, fourth, and fifth anniversaries of the date the certified transformational mixed use development project is completed, may request in writing that the tax credit authority update the increase in tax collections during the completion period. Upon receiving such a request, the tax credit authority shall update the increase in tax collections in the same manner described by division (G) of this section. If the tax credit authority determines that the value of the tax credit certificates computed under division (H) of this section would be greater if computed based on the updated increase in tax collections, the authority shall issue an additional tax credit certificate to each person that previously received a certificate for the project under those divisions. The value of each additional tax credit certificate shall equal the amount by which the tax credit certificate computed under division (H) of this section upon completion of the project would have been greater had the value of such certificate been computed based on the updated increase in tax collections, less the value of any additional tax credit certificates previously issued under this division to the same person respecting the same project.

(K) The aggregate value of all tax credit certificates issued under this section for the same transformational mixed use development project shall not exceed (1) ten per cent of the actual development costs of that project or (2) the sum of all estimated credit amounts preliminarily approved by the

tax credit authority in connection with the project.

(L) Issuance of a tax credit certificate under this section does not represent a verification or certification by the tax credit authority of the actual development costs of the project or the capital contributions to the project by an insurance company. Such amounts are subject to inspection and examination by the superintendent of insurance.

(M) Upon the issuance of a tax credit certificate under division (G) or (J) of this section, the tax credit authority shall certify to the superintendent of insurance (1) the name of each person that was issued a tax credit certificate, (2) whether the person is the property owner, an insurance company that contributed capital to the development, or a person that acquired the rights to the tax credit certificate from the property owner, (3) the credit amount shown on each tax credit certificate, and (4) any other information required by the rules adopted under this section. A person that holds the rights to a tax credit certificate issued under this section and that is an insurance company may claim a tax credit under section 5725.35 or 5729.18 of the Revised Code.

(N) The tax credit authority shall publish information about each transformational mixed use development on the web site of the department of development services—~~agency~~ not later than the first day of August following certification of the project. The tax credit authority shall update the published information annually until the project is complete and the credit or credits are fully claimed. The published information shall include all of the following:

(1) The location of the transformational mixed use development and the name by which it is known;

(2) The estimated schedule for progression and completion of the project included in the development plan pursuant to division (B)(4) of this section;

(3) The assessment of the projected economic impact of the project included in the development plan pursuant to division (B)(5) of this section;

(4) The evidence supporting the estimated increase in tax collections included in the development plan pursuant to division (B)(6) of this section, except that the tax credit authority may omit any proprietary or sensitive information included in such evidence;

(5) The estimated development costs that have been or will be incurred in completion of the project and, if applicable, the amount of the insurance company's capital contribution to the development and the date on which it was made, as reported in the development plan pursuant to divisions (B)(3) and (7) of this section;

(6) A copy of each report submitted to the tax credit authority by the applicant under division (D) of this section.

(O) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for a transformational investment tax credit, and any deadlines for applying;

(2) Criteria and procedures for reviewing, evaluating, ranking, and approving applications within the limitations prescribed by this section, including rules prescribing the timing and frequency by which the tax credit authority must rank applications and preliminarily approve tax credits under division (C) of this section;

(3) Eligibility requirements for obtaining a tax credit certificate under this section;

(4) The form of the tax credit certificate;

(5) Reporting requirements and monitoring procedures;

(6) Procedures for computing the increase in tax collections within the project site and the surrounding area;

(7) Forms and procedures by which property owners may request the alternative method of computing the value of tax credit certificates under division (I) of this section that are awarded in connection with a project and criteria for evaluating and making a determination on such requests;

(8) Any other rules necessary to implement and administer this section.

Sec. 122.15. As used in this section and sections 122.151 to 122.156 of the Revised Code:

(A) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another person. For the purposes of this division, a person is "controlled by" another person if the controlling person holds, directly or indirectly, the majority voting or ownership interest in the controlled person or has control over the day-to-day operations of the controlled person by contract or by law.

(B) "Border county" means a county in this state that borders another state.

(C) "Closing date" means the date on which a rural business growth fund has collected all of the amounts specified by divisions (G)(1) and (2) of section 122.151 of the Revised Code.

~~(D)~~ "Credit-eligible capital contribution" means an investment of cash by a person subject to the tax imposed by section 3901.86, 5725.18, 5729.03, or 5729.06 of the Revised Code in a rural business growth fund that equals the amount specified on a notice of tax credit allocation issued

by the department of development services agency under division (I)(1) of section 122.151 of the Revised Code. The investment shall purchase an equity interest in the fund or purchase, at par value or premium, a debt instrument issued by the fund that meets all of the following criteria:

(1) The debt instrument has an original maturity date of at least five years after the date of issuance.

(2) The debt instrument has a repayment schedule that is not faster than a level principal amortization over five years.

(3) The debt instrument has no interest, distribution, or payment features dependent on the fund's profitability or the success of the fund's growth investments.

~~(D)~~(E) "Eligible investment authority" means the amount stated on the notice issued under division (F) of section 122.151 of the Revised Code certifying the rural business growth fund. Sixty per cent of a fund's eligible investment authority shall be comprised of credit-eligible capital contributions.

~~(E)~~(F) "Full-time equivalent employee" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment over the preceding twelve-month period by two thousand eighty.

~~(F)~~(G) "Growth investment" means any capital or equity investment in a rural business concern or any loan to a rural business concern with a stated maturity of at least one year. A secured loan or the provision of a revolving line of credit to a rural business concern is a growth investment only if the rural business growth fund obtains an affidavit from the president or chief executive officer of the rural business concern attesting that the rural business concern sought and was denied similar financing from a commercial bank.

~~(G)~~(H) "Operating company" means any business that has its principal business operations in this state, has fewer than two hundred fifty employees and not more than fifteen million dollars in net income for the preceding taxable year, and that is none of the following:

- (1) A country club;
- (2) A racetrack or other facility used for gambling;
- (3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises;
- (4) A massage parlor;
- (5) A hot tub facility;
- (6) A suntan facility;
- (7) A business engaged in the development or holding of intangibles for

sale;

(8) A private or commercial golf course;

(9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property;

(10) A publicly traded business.

For the purposes of this division, "net income" means federal gross income as required to be reported under the Internal Revenue Code less federal and state taxes imposed on or measured by income.

~~(H)~~(I) "Population" means that shown by the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau, whichever is more recent.

~~(J)~~ A business's "principal business operations" are in this state if at least eighty per cent of the business's employees reside in this state, the individuals who receive eighty per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least eighty per cent of its employees to this state or pay at least eighty per cent of its payroll to individuals residing in this state. For the purpose of growth investments by a program two rural business growth fund, a business's "principal business operations" are also in this state if it is headquartered in a border county and at least sixty-five per cent of the business's employees reside in this state, the individuals who receive sixty-five per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least sixty-five per cent of its employees to this state or pay at least sixty-five per cent of its payroll to individuals residing in this state.

~~(K)~~ "Program one" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code before the effective date of this amendment.

~~(L)~~ "Program two" refers to rural business growth funds certified by the department of development under section 122.151 of the Revised Code on or after the effective date of this amendment.

~~(H)~~(M) "Rural area" means any county in this state having a population less than two hundred thousand ~~as of the most recent decennial census or the most recent annual population estimate published or released by the United States census bureau.~~

~~(J)~~(N) "Rural business concern" means an operating company that has its principal business operations located in a rural area.

~~(K)~~ (O) "Rural business growth fund" and "fund" mean an entity certified by the department of development services agency under section 122.151 of the Revised Code.

~~(L)~~(P) "Taxable year" means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code.

(Q) "Tier one rural area" means any county in this state having a population less than two hundred thousand and more than one hundred fifty thousand.

(R) "Tier two rural area" means any county in this state having a population of more than seventy-five thousand but not more than one hundred fifty thousand.

(S) "Tier three rural area" means any county in this state having a population of not more than seventy-five thousand.

Sec. 122.151. (A) ~~On and after the effective date of the enactment of this section,~~ a A person that has developed a business plan to invest in rural business concerns in this state and has successfully solicited private investors to make credit-eligible capital contributions in support of the plan may apply to the department of development services agency for certification as a rural business growth fund. The application shall include all of the following:

(1) The total eligible investment authority sought by the applicant under the business plan;

(2) Documents and other evidence sufficient to prove, to the satisfaction of the agency, that the applicant meets all of the following criteria:

(a) The applicant or an affiliate of the applicant is licensed as a rural business investment company under 7 U.S.C. 2009cc, or as a small business investment company under 15 U.S.C. 681.

(b) As of the date the application is submitted, the applicant has invested more than one hundred million dollars in operating companies, including at least fifty million dollars in operating companies located in rural areas. In computing investments under this division, the applicant may include investments made by affiliates of the applicant and investments made in businesses that are not operating companies but would qualify as operating companies if the principal business operations were located in this state.

(3) The industries in which the applicant proposes to make growth investments and the percentage of the growth investments that will be made in each industry. The applicant shall identify each industry by using the

codes utilized by the north American industry classification system.

(4) An estimate of the number of new full-time equivalent employees and retained full-time equivalent employees that will result from the applicant's growth investments;

(5) A revenue impact assessment for the applicant's proposed growth investments prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model. The revenue impact assessment shall analyze the applicant's business plan over the ten years following the date the application is submitted to the agency.

(6) A signed affidavit from each investor successfully solicited by the applicant to make a credit eligible capital contribution in support of the business plan. Each affidavit shall include information sufficient for the agency and the superintendent of insurance to identify the investor and shall state the amount of the investor's credit-eligible capital contribution.

(7) A nonrefundable application fee of five thousand dollars.

(B)(1) Except as provided in division (B)(2) of this section, the agency shall review and make a determination with respect to each application submitted under division (A) of this section within sixty days of receipt. The agency shall review and make determinations on the applications in the order in which the applications are received by the agency. Applications received by the agency on the same day shall be deemed to have been received simultaneously. The agency shall approve not more than seventy-five million dollars in eligible investment authority and not more than forty-five million dollars in credit-eligible capital contributions under this section for program one rural business growth funds. The agency shall approve not more than seventy-five million dollars in eligible investment authority and not more than forty-five million dollars in credit-eligible contributions under this section for program two rural business growth funds.

(2) If the agency denies an application for certification as a fund, and approving a subsequently submitted application would result in exceeding the dollar limitation on eligible investment authority or credit-eligible contributions prescribed by division (B)(1) of this section assuming the previously denied application were completed, clarified, or cured under division (D) of this section, the agency shall refrain from making a determination on the subsequently submitted application until the previously denied application is reconsidered or the fifteen-day period for submitting additional information respecting that application has passed, whichever comes first.

(C) The agency shall deny an application submitted under this section if any of the following are true:

- (1) The application is incomplete.
- (2) The application fee is not paid in full.
- (3) The applicant does not satisfy all the criteria described in division (A)(2) of this section.

(4) The revenue impact assessment submitted under division (A)(5) of this section does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a ten-year period that exceeds the cumulative amount of tax credits that would be issued under section 122.152 of the Revised Code if the application were approved.

(5) The credit-eligible capital contributions described in affidavits submitted under division (A)(6) of this section do not equal sixty per cent of the total amount of eligible investment authority sought under the applicant's business plan.

(6) The agency has already approved the maximum total eligible investment authority and credit-eligible capital contributions allowed under division (B) of this section.

(D) If the agency denies an application under division (C) of this section, the agency shall send notice of its determination to the applicant. The notice shall include the reason or reasons that the application was denied. If the application was denied for any reason other than the reason specified in division (C)(6) of this section, the applicant may provide additional information to the agency to complete, clarify, or cure defects in the application. The additional information must be submitted within fifteen days after the date the notice of denial was dispatched by the agency. If the person submits additional information within fifteen days, the agency shall reconsider the application within thirty days after receiving the additional information. The application shall be reviewed and considered before any pending application submitted after the original submission date of the reconsidered application. If the person does not submit additional information within fifteen days after dispatch of the notice of denial, the person may submit a new application with a new submission date at any time.

(E) If approving multiple simultaneously submitted applications would result in exceeding the overall eligible investment limit prescribed by division (B) of this section, the agency shall proportionally reduce the eligible investment authority and the credit-eligible capital contributions for each approved application as necessary to avoid exceeding the limit.

(F) The agency shall not deny a rural business growth fund application

or reduce the requested eligible investment authority for reasons other than those described in divisions (C) and (E) of this section. If the agency approves such an application, the agency shall issue a written notice to the applicant certifying that the applicant qualifies as a rural business growth fund and specifying the amount of the applicant's eligible investment authority.

(G) A fund shall do all of the following within sixty days after receiving the certification issued under division (F) of this section:

(1) Collect the credit-eligible capital contributions from each investor whose affidavit was included in the application. If the rural business growth fund's requested eligible investment authority is proportionally reduced under division (E) of this section, the investor's required credit-eligible capital contribution shall be reduced by the same proportion.

(2) Collect one or more investments of cash that, when added to the contributions collected under division (G)(1) of this section, equal the fund's eligible investment authority. At least ten per cent of the fund's eligible investment authority shall be comprised of equity investments contributed directly or indirectly by affiliates of the fund, including employees, officers, and directors of such affiliates.

(H) Within sixty-five days after receiving the certification issued under division (F)(1) of this section, the fund shall send to the agency documentation sufficient to prove that the amounts described in divisions (G)(1) and (2) of this section have been collected. The fund shall identify any affiliate of an investor described in division (G)(1) of this section that will seek to claim the credit allowed by section 122.152 of the Revised Code. If the fund fails to fully comply with division (G) of this section, the fund's certification shall lapse.

Eligible investment authority and corresponding credit-eligible capital contributions that lapse under this division do not count toward limits on total eligible investment authority and credit-eligible capital contributions prescribed by division (B) of this section. Once eligible investment authority has lapsed, the agency shall first award lapsed authority pro rata to each fund that was awarded less than the requested eligible investment authority because of the operation of division (E) of this section. Any remaining eligible investment authority may be awarded by the agency to new applicants.

(I) After receiving documentation sufficient to prove that the amounts described in divisions (G)(1) and (2) of this section have been collected, the agency shall issue the following notices:

(1) To each investor or affiliate identified in division (H) of this section,

a notice of the amount and utilization schedule of the tax credits allocated to that investor or affiliate as a result of its credit-eligible capital contribution;

(2) To the superintendent of insurance, a notice of the amount and utilization schedule of the tax credits allocated to each investor described in division (G)(1) of this section and any affiliate of such investor who will seek to claim the credit allowed by section 122.152 of the Revised Code.

(J) Application fees submitted to the agency pursuant to division (A)(7) of this section shall be credited to the tax incentives operating fund created under section 122.174 of the Revised Code, and shall be used by the agency to administer sections 122.15 to 122.156 of the Revised Code.

Sec. 122.153. (A) The ~~department of development services agency~~ shall not be required to issue a tax credit certificate under section 122.152 of the Revised Code if either of the fund in which the following applies:

(1) The credit-eligible capital contribution was made ~~does not invest in a program one rural business growth fund that fails to:~~

(a) Invest fifty per cent of its eligible investment authority in growth investments within one year of the closing date; and

(b) Invest one hundred per cent of its eligible investment authority in growth investments in this state within two years of the closing date.

(2) The credit eligible contribution was made in a program two rural business growth fund that fails to:

(a) Invest twenty-five per cent of its eligible investment authority in growth investments within one year of the closing date;

(b) Invest fifty per cent of its eligible investment authority in growth investments within two years of the closing date; and

(c) Invest one hundred per cent of its eligible investment authority in growth investments within three years of the closing date, including seventy-five per cent of its eligible investment authority in rural business concerns that have their principal business operations in tier two or tier three rural areas, and twenty-five per cent of its eligible investment authority in rural business concerns that have their principal business operations in tier three rural areas. The amount by which a rural business growth fund's growth investments in rural business concerns that have their principal business operations in tier one rural areas exceeds twenty-five per cent of the fund's eligible investment authority shall not count towards the satisfaction of the requirements prescribed by division (A)(2)(c) of this section.

(B) The agency shall recapture tax credits claimed under section 122.152 of the Revised Code if any of the following occur with respect to the rural business growth fund:

(1) The fund, after investing one hundred per cent of its eligible investment authority in growth investments in this state, fails to maintain that investment until the sixth anniversary of the closing date. For the purposes of this division, an investment is maintained even if the investment is sold or repaid so long as the fund reinvests an amount equal to the capital returned or recovered by the fund from the original investment, exclusive of any profits realized, in other growth investments in this state within one year of the receipt of such capital.

(2) The fund makes a distribution or payment after the fund complies with division (G) of section 122.151 of the Revised Code and before the fund decertifies under division (D) of this section that results in the fund having less than one hundred per cent of its eligible investment authority invested in growth investments in this state.

(3) The fund makes a growth investment in a rural business concern that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the fund, an affiliate of the fund, or an investor in the fund. Division (A)(3) of this section does not apply to investments in publicly traded securities by a rural business concern or an owner or affiliate of a rural business concern.

Before recapturing one or more tax credits under this division, the agency shall notify the fund of the reasons for the pending recapture. If the fund corrects the violations outlined in the notice to the satisfaction of the agency within thirty days of the date the notice was dispatched, the agency shall not recapture the tax credits.

~~(C)(1)~~ The amount by which one or more growth investments by a fund program one rural business growth fund in the same rural business concern exceeds twenty per cent of the fund's eligible investment authority shall not be counted as a growth investment for the purposes of this section. The amount by which one or more growth investments by a program two rural business growth fund in the same business concern exceeds five million dollars shall not be counted as a growth investment for the purposes of this section. A growth investment returned or repaid by a rural business concern to a program one or program two rural business growth fund and then reinvested by the fund in the same rural business concern does not count as an investment in the same rural business concern for the purposes of the limitations prescribed by division (C)(1) of this section.

(2) The aggregate amount of growth investments by all rural business growth funds in the same rural business concern, including amounts reinvested in a rural business concern following a returned or repayment of a growth investment, shall not exceed fifteen million dollars.

(3) A growth investment in an affiliate of a rural business concern shall be treated as a growth investment in that rural business concern for the purposes of ~~this division~~ (C) of this section.

(D) If the agency recaptures a tax credit under this section, the agency shall notify the superintendent of insurance of the recapture. The superintendent shall make an assessment under Chapter 5725. or 5729. of the Revised Code for the amount of the credit claimed by each certificate owner associated with the fund before the recapture was finalized. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the superintendent shall make the assessment within one year after the date the agency notifies the superintendent of the recapture. Following the recapture of a tax credit under this section, no tax credit certificate associated with the fund may be utilized. Notwithstanding division (B) of section 122.152 of the Revised Code, if a tax credit is recaptured under this section the agency shall not issue future tax credit certificates to taxpayers that made credit-eligible capital contributions to the fund.

(E)(1) On or after the sixth anniversary of the closing date, a fund that has not committed any of the acts described in division (B) of this section may apply to the agency to decertify as a rural business growth fund. The agency shall respond to the application within sixty days after receiving the application. In evaluating the application, the fact that no tax credit has been recaptured with respect to the fund shall be sufficient evidence to prove that the fund is eligible for decertification. The agency shall not unreasonably deny an application submitted under this division.

(2) The agency shall send notice of its determination with respect to an application submitted under division (E)(1) of this section to the fund. If the application is denied, the notice shall include the reason or reasons for the determination.

(3) The agency shall not recapture a tax credit due to any actions of a fund that occur after the date the fund's application for decertification is approved. Division (E)(3) of this section does not prohibit the agency from recapturing a tax credit due to the actions of a fund that occur before the date the fund's application for decertification is approved, even if those actions are discovered after that date.

Sec. 122.154. (A) Each rural business growth fund shall submit a report to the department of development ~~services agency~~ on or before the first day of each March following the end of the calendar year that includes the closing date until the calendar year after the fund has decertified. The report shall provide an itemization of the fund's growth investments and shall

include the following documents and information:

(1) A bank statement evidencing each growth investment;

(2) The name, location, and industry class of each business that received a growth investment from the fund and evidence that the business qualified as a rural business concern at the time the investment was made. If the fund obtained a written opinion from the agency on the business's status as a rural business concern under section 122.156 of the Revised Code, or if the fund makes a written request for such an opinion and the agency failed to respond within thirty days as required by that section, a copy of the agency's favorable opinion or a dated copy of the fund's unanswered request, as applicable, shall be sufficient evidence that the business qualified as a rural business concern at the time the investment was made.

(3) The number of employment positions that existed at each business described in division (A)(2) of this section on the date the business received the growth investment;

(4) The number of new full-time equivalent employees resulting from each of the fund's growth investments made or maintained in the preceding calendar year;

(5) Any other information required by the agency.

(B) Each fund shall submit a report to the agency on or before the fifth business day after the first ~~and~~ second, and for program two funds, third anniversaries of the closing date that provides documentation sufficient to prove that the fund has met the investment thresholds described in division (A) of section 122.153 of the Revised Code and has not implicated any of the other recapture provisions described in division (B) of that section.

(C) Each certified rural business growth fund shall pay the agency an annual fee of twenty thousand dollars. The initial annual fee required of a fund shall be due and payable to the agency along with the submission of documentation required under division (H) of section 122.151 of the Revised Code. Each subsequent annual fee is due and payable on the last day of February following the first and each ensuing anniversary of the closing date. If the fund is required to submit an annual report under division (A) of this section, the annual fee shall be submitted along with the report. No fund shall be required to pay an annual fee after the fund has decertified under section 122.153 of the Revised Code. Annual fees paid to the agency under this section shall be credited to the tax incentives operating fund created under section 122.174 of the Revised Code.

(D) The director of development ~~services~~, after consultation with the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, may adopt rules necessary to implement sections 122.15 to

122.156 of the Revised Code.

Sec. 122.156. A rural business growth fund, before investing in a business, may request a written opinion from the department of development services ~~agency~~ as to whether the business qualifies as a rural business concern based on the criteria prescribed by section 122.15 of the Revised Code. The request shall be submitted in a form prescribed by rule of the agency. The agency shall issue a written opinion to the fund within thirty business days of receiving such a request. Notwithstanding division ~~(H)~~(J) of section 122.15 of the Revised Code, if the agency determines that the business qualifies as a rural business concern or if the agency fails to timely issue the written opinion as required under this section, the business shall be considered a rural business concern for the purposes of sections 122.15 to 122.156 of the Revised Code.

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

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

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

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

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

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

another state under division (A)(3) of section 5747.05 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the project.

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

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

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

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

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

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

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

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

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

(C)(1) A taxpayer or potential taxpayer who proposes a project to create

new jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section.

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

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

- (a) The taxpayer's project will increase payroll;
- (b) The taxpayer's project is economically sound and will benefit the people of this state by increasing opportunities for employment and strengthening the economy of this state;
- (c) Receiving the tax credit is a major factor in the taxpayer's decision to go forward with the project.

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

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

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

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

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

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

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

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

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

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

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

(7) A requirement that the director of development ~~services~~ annually review the information reported under division (D)(6) of this section and verify compliance with the agreement; if the taxpayer is in compliance, a requirement that the director issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit that may be claimed for the taxable or calendar year; If the taxpayer is a megaproject supplier, the director shall issue such a certificate to the supplier and to any megaproject operator (a) to which the supplier directly sells tangible personal property and (b) that is authorized to claim the credit pursuant to division (D)(10) of this section.

(8) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of development ~~services~~ determines

that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the taxpayer of the relocation.

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

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

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

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

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

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

under this section.

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

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

(I) The director of development ~~services~~, after consultation with the tax commissioner and the superintendent of insurance and in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section, including rules that establish a procedure to be followed by the tax credit authority and the department of development services agency in the event the authority considers a taxpayer's application for which it receives a recommendation under division (C)(2)(a) of this section but does not approve it. The rules may provide for recipients of tax credits under this section to be charged fees to cover administrative costs of the tax credit program. For the purposes of these rules, a qualifying work-from-home employee shall be considered to be an employee employed at the applicant's project location. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. At the time

the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

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

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

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

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

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

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

(c) If the taxpayer fails to substantially maintain the number of new full-time equivalent employees or amount of payroll required under the

agreement at any time during the term of the agreement after the metric evaluation date, an amount determined at the discretion of the authority.

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

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

(M) There is hereby created the tax credit authority, which consists of the director of development ~~services~~ and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in taxation. Terms of office shall be for four years. Each member shall serve on the authority until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's

predecessor was appointed shall hold office for the remainder of that term. Members may be reappointed to the authority. Members of the authority shall receive their necessary and actual expenses while engaged in the business of the authority. The director of development ~~services~~ shall serve as chairperson of the authority, and the members annually shall elect a vice-chairperson from among themselves. Three members of the authority constitute a quorum to transact and vote on the business of the authority. The majority vote of the membership of the authority is necessary to approve any such business, including the election of the vice-chairperson.

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

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

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

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

(Q) The director of development ~~services~~ may require any agreement

entered into under this section for a tax credit computed on the basis of home-based employees to contain a provision that the taxpayer makes available health care benefits and tuition reimbursement to all employees.

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

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

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

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

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

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

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

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

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

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

agreement:

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

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

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

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

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

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

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

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

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

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

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

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

nearest multiple of one million dollars.

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

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

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

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following:

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

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

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

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

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

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

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

(b) If engaged at the project site primarily as a manufacturer, the taxpayer makes or causes to be made payments for the capital investment project at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted, in an amount that in the aggregate equals or exceeds the lesser of the following:

(i) Fifty million dollars;

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

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

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

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

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

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

(8) "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.

(9) "Foreign trade zone" means a general purpose foreign trade zone or a special purpose subzone for which, pursuant to 19 U.S.C. 81a, as amended, a permit for foreign trade zone status has been granted and

remains active, including special purpose subzones for which a permit has been granted and remains active.

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

The credit authorized in this section may be granted for a period up to fifteen taxable years or, in the case of the tax levied by section 5736.02 or 5751.02 of the Revised Code, for a period of up to fifteen calendar years. The credit amount for a taxable year or a calendar year that includes the tax period for which a credit may be claimed equals the Ohio employee payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. The credit shall be claimed in the order required under section 5725.98, 5726.98, 5729.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. In determining the percentage and term of the credit, the tax credit authority shall consider both the number of full-time equivalent employees and the value of the capital investment project. The credit amount may not be based on the Ohio employee payroll for a calendar year before the calendar year in which the tax credit authority specifies the tax credit is to begin, and the credit shall be claimed only for the taxable years or tax periods specified in the eligible business' agreement with the tax credit authority. In no event shall the credit be claimed for a taxable year or tax period terminating before the date specified in the agreement.

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

(C)(1) A taxpayer that proposes a capital investment project to retain jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section. The director of development ~~services~~ shall prescribe the form of the application. After receipt of an

application, the authority shall forward copies of the application to the director of budget and management, the tax commissioner, and the superintendent of insurance in the case of an insurance company, each of whom shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of their determinations to the authority. The authority shall also forward a copy of the application to the director of development ~~services~~, who shall review the application to determine the economic impact the proposed project would have on the state and the affected political subdivisions and shall submit a summary of the director's determinations and recommendations to the authority.

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

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

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

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

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

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

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

(1) The taxpayer's capital investment project will result in the retention of employment in this state.

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

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three

years, or (b) seven years.

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

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

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

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

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

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

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

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

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

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

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position unless the movement is confined to the project site. The transfer of an employment position from one political subdivision to another political subdivision shall not be considered a relocation of an employment position if the employment position in the first political subdivision is replaced by another employment position.

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

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

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

(H) A taxpayer claiming a tax credit under this section shall submit to the tax commissioner or, in the case of an insurance company, to the superintendent of insurance, a copy of the director of ~~development services'~~ development's certificate of verification under division (E)(6) of this section

with the taxpayer's tax report or return for the taxable year or for the calendar year that includes the tax period. Failure to submit a copy of the certificate with the report or return does not invalidate a claim for a credit if the taxpayer submits a copy of the certificate to the commissioner or superintendent within the time prescribed by section 5703.0510 of the Revised Code or within thirty days after the commissioner or superintendent requests it.

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

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

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

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

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

(b) If the taxpayer fails to substantially, satisfy the employment, payroll,

or location requirements required under the agreement, as prescribed under division (E)(4)(a) or (b), as applicable to the taxpayer, at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority.

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

(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded.

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

(L) On or before the first day of August of each year, the director of development ~~services~~ shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the

number of agreements that were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

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

- (1) For 2010, thirteen million dollars;
- (2) For 2011 through 2023, the amount of the limit for the preceding calendar year plus thirteen million dollars;
- (3) For 2024 and each year thereafter, one hundred ninety-five million dollars.

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

(N) This division applies only to an eligible business that is part of an affiliated group that includes a diversified savings and loan holding company or a grandfathered unitary savings and loan holding company, as those terms are defined in section 5726.01 of the Revised Code. Notwithstanding any contrary provision of the agreement between such an eligible business and the tax credit authority, any credit granted under this section against the tax imposed by section 5725.18, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code to the eligible business, at the election of the eligible business and without any action by the tax credit authority, may be shared with any member or members of the affiliated group that includes the eligible business, which member or members may claim the credit against the taxes imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised Code. Credits shall be claimed by the eligible business in sequential order, as applicable, first claiming the credits to the fullest extent possible against the tax that the certificate holder is subject to, then against the tax imposed by, sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and lastly 5726.02 of the Revised Code. The credits may be allocated among the members of the affiliated group in such manner as the eligible business elects, but subject to the sequential order required under this division. This division applies to credits granted before, on, or after March 27, 2013, the effective date of H.B. 510 of the 129th general assembly. Credits granted before that effective date that are shared and allocated under this division may be claimed in those calendar years in which the remaining taxable years

specified in the agreement end.

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

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

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

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

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

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

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

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

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

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

(a) If applicable, the taxpayer has achieved one hundred per cent of the

job retention commitment identified in the agreement.

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

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

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

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

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

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

- (a) Proof that the employer is registered to do business in this state;
- (b) Proof that the employer is current on all tax obligations to the state;
- (c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;
- (d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;
- (e) The cost of the training;
- (f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;
- (g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;
- (h) Any other information the director requires.

(2) In addition to the information required under division (C)(1) of this section, an employer seeking to participate in the program also may submit

any of the following information the employer wishes to provide to the director:

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

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

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

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

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

(D)(1) The director shall consider all applications submitted during an application period after the application period ends. The director shall consider the following factors in determining whether to approve an application:

(a) The duration of the training program;

(b) The cost of the training;

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

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

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

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

(3) If the director approves an employer's application for participation in the program, the approval is valid as long as the employer maintains accurate application information under division (C)(1) of this section with the director. The employer shall submit the updated information to the director at the beginning of the third fiscal year the employer participates in

the program and every other subsequent fiscal year thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Washington are one region;

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

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

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

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

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

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

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

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

Sec. 122.23. As used in sections 122.23 to 122.27 of the Revised Code:

(A) "Distressed area" means a county with a population of less than one hundred twenty-five thousand that meets at least two of the following criteria of economic distress:

(1) Its average rate of unemployment, during the most recent five-year period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3) In intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

(B) "Eligible applicant" means any of the following that is designated by the governing body of an eligible area as provided in division (B)(1) of section 122.27 of the Revised Code:

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code;

(2) A community improvement corporation as defined in section 1724.01 of the Revised Code;

(3) A community-based organization or action group that provides social services and has experience in economic development;

(4) Any other nonprofit economic development entity;

(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code and that has experience and a successful history in industrial development.

(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code.

(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.

(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:

(1) The number of jobs lost by the closing or downsizing;

(2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;

(3) The annual payroll associated with the job loss;

(4) The amount of state and local taxes associated with the job loss;

(5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.

(G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.

(H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.

(I) "Private developer" means any individual, firm, corporation, or

entity, other than a nonprofit entity, limited profit entity, or governmental entity.

(J) "Rural area" means any Ohio county that was an eligible area immediately prior to the effective date of this amendment and any other Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget.

Sec. 122.403. (A)(1) There is hereby created, within the department of development services agency, the broadband expansion program authority, which shall consist of the director of development ~~services~~ or the director's designee, the director of the office of InnovateOhio or the director's designee, and three other members as follows: one member appointed by the president of the senate, one member appointed by the speaker of the house of representatives, and one member appointed by the governor.

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

~~(3) The assignment of designees by the director of development services and the director of InnovateOhio shall be made in writing.~~

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

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

~~(D)(1)(a) Appointed~~ Beginning on January 1, 2022, and ending on December 31, 2025, appointed members shall receive a monthly stipend as calculated under section 145.016 of the Revised Code in an amount that will qualify each member for one year of retirement service credit under the Ohio public employees retirement system for each year of ~~the member's term~~ service as a member of the authority during that period.

(b) Notwithstanding the requirement of section 145.58 of the Revised Code that eligibility for health care coverage provided under that section be based on years and types of service credit in accordance with rules adopted by the public employees retirement board, if the board provides health care coverage under that section, no service credit earned for service as a member of the authority shall be considered for purposes of determining eligibility for coverage under that section.

(c) Members shall receive reimbursement for their necessary and actual expenses incurred in performing the business of the authority. The reimbursements constitute, as applicable, administrative costs of the Ohio

residential broadband expansion grant program.

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

(3) The agency shall be responsible for paying all reimbursements ~~and stipends~~ for meals and expenses under this section and, for the period beginning on January 1, 2022, and ending on December 31, 2025, all stipends under this section.

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

(F) The assignment of designees by the director of development and the director of InnovateOhio shall be made in writing. If the director of development ~~services~~ assigns a designee to serve on the authority, the director ~~of development services~~ shall appoint a professional employee of the ~~department of development services agency~~ department of development services to serve as the director's designee at authority meetings. In the absence of the director of development ~~services~~ or the director's designee, the vice-chairperson of the authority shall serve as chairperson of authority meetings.

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

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

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

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

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

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

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

(1) Fix the rate of interest and charges to be made upon or with respect to moneys loaned by the director and the terms upon which mortgages and

lease rentals may be guaranteed and the rates of charges to be made for the loans and guarantees and to make provisions for the operation of the funds established by the director in accordance with this section and sections 122.54, 122.55, 122.56, and 122.57 of the Revised Code;

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

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

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

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

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

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

(c) Each bid for a contract, except as provided in division (B)(6)(b) of this section, shall contain the full name of every person interested in it and shall be accompanied by bond or certified check on a solvent bank, in such amount as the director considers sufficient, that if the bid is accepted a

contract will be entered into and the performance of the proposal secured.

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

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

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

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

Persons chosen by the director to receive assistance in the formation of a statewide small business development company pursuant to division (B)(8) of this section shall make a special effort to use their participation in the federal guaranteed loan program to assist small businesses which are minority business enterprises as defined in division (E) of section 122.71 of the Revised Code. The director, with the assistance of the minority business development division of the department of development, shall provide technical and financial expertise, legal and managerial assistance, and other services in such a manner to enable the development company to provide assistance to small businesses which are minority business enterprises, and shall make available to the development company information pertaining to assistance available to minority business enterprises under programs established pursuant to sections 122.71 to 122.83, 122.87 to 122.89, 122.92 to 122.94, ~~123.15~~ 122.921, and 125.081 of the Revised Code.

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

(10) Establish with the treasurer of state the funds provided in sections 122.54, 122.55, 122.56, and 122.57 of the Revised Code, in addition to such funds as the director determines are necessary or proper;

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

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

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

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

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

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

~~(C)~~ "Eligible business" means a for-profit business entity, or a nonprofit entity, that had total annual sales in its most recently completed fiscal year of less than ten million dollars and that has a principal place of for-profit business or nonprofit entity activity within the state, the operation of which,

alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities and will improve the economic welfare of the people of the state. As used in this division, "new jobs" does not include existing jobs transferred from another facility within the state, and "existing jobs" means only existing jobs at facilities within the same municipal corporation or township in which the project, activity, or enterprise that is the subject of a capital access loan is located.

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

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

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

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

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

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

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

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

Sec. 122.601. There is hereby created in the state treasury the capital access loan program fund. The fund shall consist of money deposited into it from the minority business enterprise loan fund pursuant to section 122.80 of the Revised Code and the facilities establishment fund pursuant to section 166.03 of the Revised Code and all money deposited into it pursuant to section 122.602 of the Revised Code. The total amount of money deposited into the fund from the minority business enterprise loan fund or the facilities establishment fund shall not exceed three million dollars during any

particular fiscal year of the department of development services ~~agency~~.

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

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

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

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

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

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

(D)(1)(a) Upon receipt of each of the first three certifications from a participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount not to exceed fifty per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. Thereafter, upon receipt of a certification from that participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount equal to ten per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account.

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

(2) The disbursement of moneys from the fund to a participating financial institution does not require approval from the controlling board.

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

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

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

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

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

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

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

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

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

(1) For property to which Chapter 3734. of the Revised Code and rules adopted under it apply, the requirements for closure or corrective action established in rules adopted under section 3734.12 of the Revised Code;

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

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

(C) "Assessment" means a phase I and phase II property assessment conducted in accordance with section 3746.04 of the Revised Code and rules adopted under that section.

(D) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.

(E) "Certified professional," "hazardous substance," "petroleum," and "release" have the same meanings as in section 3746.01 of the Revised Code.

(F) "Cleanup or remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

(G) "Distressed area" means either a municipal corporation with a population of at least fifty thousand or a county that meets any two of the following criteria:

(1) Its average rate of unemployment, during the most recent five-year

period for which data are available, is equal to at least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.

(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.

(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent.

"Distressed area" includes a municipal corporation the majority of the population of which is situated in a county that is a distressed area.

(H) "Eligible area" means a distressed area, an inner city area, a labor surplus area, or a situational distress area.

(I) "Inner city area" means an area in a municipal corporation that has a population of at least one hundred thousand, is not a labor surplus area, and is a targeted investment area established by the municipal corporation that is comprised of block tracts identified in the most recently available figures from the United States census bureau in which at least twenty per cent of the population in the area is at or below the official poverty line or of contiguous block tracts meeting those criteria.

(J) "Institutional property" means property currently or formerly owned or controlled by the state that is or was used for a public or charitable purpose. However, "institutional property" does not mean property that is or was used for educational purposes.

(K) "Integrating committee" means a district public works integrating committee established under section 164.04 of the Revised Code.

(L) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(M) "Loan" includes credit enhancement.

(N) "No further action letter" means a letter that is prepared by a certified professional when, on the basis of the best knowledge, information, and belief of the certified professional, the certified professional concludes that the cleanup or remediation of a brownfield meets the applicable cleanup standards and that contains all of the information specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 3746.04 of the Revised Code.

(O) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income

taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.

(P) "Property" means any parcel of real property, or portion of such a parcel, and any improvements to it.

(Q) "Public health project" means the cleanup or remediation of a release or threatened release of hazardous substances or petroleum at a property where little or no economic redevelopment potential exists.

(R) "Official poverty line" has the same meaning as in section 3923.51 of the Revised Code.

(S) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county or municipal corporation's economy and that has applied to the director of development to be designated as a situational distress area for not more than thirty months by demonstrating all of the following:

- (1) The number of jobs lost by the closing or downsizing;
- (2) The impact that the job loss has on the county or municipal corporation's unemployment rate as measured by the director of job and family services;
- (3) The annual payroll associated with the job loss;
- (4) The amount of state and local taxes associated with the job loss;
- (5) The impact that the closing or downsizing has on suppliers located in the county or municipal corporation.

Sec. 122.6511. (A) As used in this section and section 122.6512 of the Revised Code, "brownfield" and "remediation" have the same meanings as in section 122.65 of the Revised Code.

(B)(1) There is hereby created the brownfield remediation program to award grants for the remediation of brownfield sites throughout Ohio. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (B)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section.

(C)(1) There is hereby created in the state treasury the brownfield remediation fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be

credited to the fund.

(2) The director shall reserve funds from each appropriation to the fund to each county in the state. The amount reserved shall be one million dollars per county, or, if an appropriation is less than eighty-eight million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (C)(3) of this section.

(3) Funds from an appropriation not reserved under division (C)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost.

Sec. 122.6512. (A)(1) There is hereby created the building demolition and site revitalization program to award grants for the demolition of commercial and residential buildings and revitalization of surrounding properties on sites that are not brownfields. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (A)(2) of this section.

(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary.

(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after the effective date of this section.

(B)(1) There is hereby created in the state treasury the building demolition and site revitalization fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment earnings on moneys in the fund shall be credited to the fund.

(2) The director shall reserve funds from each appropriation to the fund to each county in the state. The amount reserved shall be five hundred thousand dollars per county, or, if an appropriation is less than forty-four million dollars, a proportionate amount to each county. Amounts reserved pursuant to this section are reserved for one calendar year from the date of the appropriation. After one calendar year, the funds shall be available pursuant to division (B)(3) of this section.

(3) Funds from an appropriation not reserved under division (B)(2) of this section shall be available for grants to projects located anywhere in the state, and grants from those funds shall be awarded to qualifying projects on

a first-come, first-served basis. Grants awarded pursuant to this division shall be limited to seventy-five per cent of a project's total cost.

Sec. 122.72. (A) There is hereby created the minority development financing advisory board to assist in carrying out the programs created pursuant to sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code.

(B) The board shall consist of ten members. The director of development or the director's designee shall be a voting member on the board. Seven members shall be appointed by the governor with the advice and consent of the senate and selected because of their knowledge of and experience in industrial, business, and commercial financing, suretyship, construction, and their understanding of the problems of minority business enterprises; one member also shall be a member of the senate and appointed by the president of the senate, and one member also shall be a member of the house of representatives and appointed by the speaker of the house of representatives. With respect to the board, all of the following apply:

(1) Not more than four of the members of the board appointed by the governor shall be of the same political party.

(2) Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed.

(3) The terms of office for the seven members appointed by the governor shall be for seven years, commencing on the first day of October and ending on the thirtieth day of September of the seventh year, except that of the original seven members, three shall be appointed for three years and two shall be appointed for five years.

(4) Any member of the board is eligible for reappointment.

(5) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term.

(6) Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(7) Before entering upon official duties as a member of the board, each member shall take an oath as provided by Section 7 of Article XV, Ohio Constitution.

(8) The governor may, at any time, remove any member appointed by the governor pursuant to section 3.04 of the Revised Code.

(9) Notwithstanding section 101.26 of the Revised Code, members shall receive their necessary and actual expenses while engaged in the business of the board and shall be paid at the per diem rate of step 1 of pay range 31 of

section 124.15 of the Revised Code.

(10) Six members of the board constitute a quorum and the affirmative vote of six members is necessary for any action taken by the board.

(11) In the event of the absence of a member appointed by the president of the senate or by the speaker of the house of representatives, either of the following persons may serve in the member's absence:

(a) The president of the senate or the speaker of the house of representatives, whoever appointed the absent member;

(b) A member of the senate or of the house of representatives of the same political party as the absent member, as designated by the president of the senate or the speaker of the house of representatives, whoever appointed the absent member.

(12) The board shall annually elect one of its members as chairperson and another as vice-chairperson.

Sec. 122.73. (A) The minority development financing advisory board and the director of development are invested with the powers and duties provided in sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code, in order to promote the welfare of the people of the state by encouraging the establishment and expansion of minority business enterprises; to stabilize the economy; to provide employment; to assist in the development within the state of industrial, commercial, distribution, and research activities required for the people of the state, and for their gainful employment; or otherwise to create or preserve jobs and employment opportunities, or improve the economic welfare of the people of the state. It is hereby determined that the accomplishment of those purposes is essential so that the people of the state may maintain their present high standards of living in comparison with the people of other states and so that opportunities for employment and for favorable markets for the products of the state's natural resources, agriculture, and manufacturing shall be improved. It further is determined that it is necessary for the state to establish the programs authorized under sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code to establish the minority development financing advisory board, and to invest it and the director of development with the powers and duties provided in those sections ~~122.71 to 122.89~~ of the ~~Revised Code~~.

(B) The minority development financing advisory board shall do all of the following:

(1) Make recommendations to the director as to applications for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. The board may revise its recommendations to reflect any

changes in the proposed assistance made by the director.

(2) Advise the director in the administration of sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code.

(3) Adopt bylaws to govern the conduct of the business of the board.

Sec. 122.74. (A)(1) The director of development shall do all of the following:

(a) Receive applications for assistance under sections 122.71 to 122.83 and 122.87 to 122.89 of the Revised Code and applications from surety companies for bond guarantees under section 122.90 of the Revised Code, and, after processing but subject to division (A)(2) of this section, forward them to the minority development financing advisory board together with necessary supporting information;

(b) Receive the recommendations of the board and make a final determination whether to approve the application for assistance;

(c) Receive recommendations from a regional economic development entity for loans made under section 122.76 of the Revised Code and make a final determination, notwithstanding divisions (A)(1) and (2) of this section, whether to approve the proposed loan;

(d) Transmit the director's determinations to approve assistance to the controlling board unless such assistance falls under section 122.90 of the Revised Code and has been previously approved by the controlling board, together with any information the controlling board requires for its review and decision as to whether to approve the assistance.

(2) The director is not required to submit any determination, data, terms, or any other application materials or information to the minority development financing advisory board when provision of the assistance has been recommended to the director by a regional economic development entity or when an application for a surety company for bond guarantees under section 122.90 of the Revised Code has been previously approved by the controlling board.

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

(1) Fix the rate of interest and charges to be made upon or with respect to moneys loaned or guaranteed by the director and the terms upon which mortgages and lease rentals may be guaranteed and the rates of charges to be made for them and make provisions for the operation of the funds established by the director in accordance with this section and sections 122.80, 122.88, and 122.90 of the Revised Code;

(2) Loan and guarantee moneys from the fund established in accordance with section 122.80 of the Revised Code pursuant to and in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code.

(3) Acquire in the name of the director any property of any kind or character in accordance with sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, by purchase, purchase at foreclosure, or exchange on such terms and in such manner as the director considers proper;

(4) Make and enter into all contracts and agreements necessary or incidental to the performance of the director's duties and the exercise of the director's powers under sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code;

(5) Maintain, protect, repair, improve, and insure any property that the director has acquired and dispose of it by sale, exchange, or lease for the consideration and on the terms and in the manner as the director considers proper, but the director shall not operate any such property as a business except as the lessor of it;

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

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

(c) Each bid for a contract, except as provided in division (B)(6)(b) of this section, shall contain the full name of every person interested in it and shall be accompanied by bond or certified check on a solvent bank, in such amount as the director considers sufficient, that if the bid is accepted a contract will be entered into and the performance of the proposal secured.

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

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

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

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

(9) Establish with the treasurer of state the funds provided in sections 122.80 and 122.88 of the Revised Code in addition to such funds as the director determines are necessary or proper;

(10) Adopt rules under Chapter 119. of the Revised Code necessary to implement sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code.

(11) Do all acts and things necessary or proper to carry out the powers expressly granted and the duties imposed in sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code.

(C)(1) All expenses and obligations incurred by the director in carrying out the director's powers and in exercising the director's duties under sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code shall be payable solely from revenues or other receipts or income of the director, from grants, gifts, and contributions, or funds established in accordance with such sections. Such sections do not authorize the director to incur indebtedness or to impose liability on the state or any political subdivision of the state.

(2) Financial statements and other data submitted to the director by any corporation, partnership, or person in connection with financial assistance provided under sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, or any information taken from such statements or data for any purpose, shall not be open to public inspection.

Sec. 122.751. The minority development financing advisory board or a regional economic development entity shall only consider an application for a loan from any applicant after a determination that the applicant is a community development corporation, or after a certification by the ~~equal~~

~~employment opportunity coordinator~~ director of the ~~department of administrative services~~ development under division (B)(1) of section ~~123.151~~ 122.921 of the Revised Code that the applicant is a minority business enterprise, or after a certification by the minority business supplier development council that the applicant is a minority business, and that the applicant satisfies all criteria regarding eligibility for assistance pursuant to section 122.76 of the Revised Code.

Sec. 122.76. (A) The director of development ~~services~~, with controlling board approval, may lend funds to minority business enterprises and to community improvement corporations, Ohio development corporations, minority contractors business assistance organizations, and minority business supplier development councils for the purpose of loaning funds to minority business enterprises, for the purpose of procuring or improving real or personal property, or both, for the establishment, location, or expansion of industrial, distribution, commercial, or research facilities in the state, and for the purpose of contract financing, and to community development corporations that predominantly benefit minority business enterprises or are located in a census tract that has a population that is sixty per cent or more minority, if the director determines, in the director's sole discretion, that all of the following apply:

(1) The project is economically sound and will benefit the people of the state by increasing opportunities for employment, by strengthening the economy of the state, or expanding minority business enterprises.

(2) The proposed minority business enterprise borrower is unable to finance the proposed project through ordinary financial channels at comparable terms.

(3) The value of the project is or, upon completion, will be at least equal to the total amount of the money expended in the procurement or improvement of the project.

(4) The amount to be loaned by the director will not exceed seventy-five per cent of the total amount expended in the procurement or improvement of the project.

(5) The amount to be loaned by the director will be adequately secured by a first or second mortgage upon the project or by mortgages, leases, liens, assignments, or pledges on or of other property or contracts as the director requires, and such mortgage will not be subordinate to any other liens or mortgages except the liens securing loans or investments made by financial institutions referred to in division (A)(3) of this section, and the liens securing loans previously made by any financial institution in connection with the procurement or expansion of all or part of a project.

(B) Any proposed minority business enterprise borrower submitting an application for assistance under this section shall not have defaulted on a previous loan from the director, and no full or limited partner, major shareholder, or holder of an equity interest of the proposed minority business enterprise borrower shall have defaulted on a loan from the director.

(C) The proposed minority business enterprise borrower shall demonstrate to the satisfaction of the director that it is able to successfully compete in the private sector if it obtains the necessary financial, technical, or managerial support and that support is available through the director, the minority business development ~~office~~ division of the department of development services ~~agency~~, or other identified and acceptable sources. In determining whether a minority business enterprise borrower will be able to successfully compete, the director may give consideration to such factors as the successful completion of or participation in courses of study, recognized by the ~~board~~ department of regents higher education as providing financial, technical, or managerial skills related to the operation of the business, by the economically disadvantaged individual, owner, or partner, and the prior success of the individual, owner, or partner in personal, career, or business activities, as well as to other factors identified by the director.

(D) The director shall not lend funds for the purpose of procuring or improving motor vehicles or accounts receivable.

Sec. 122.77. (A) The director of development with controlling board approval may make loan guarantees to small businesses and corporations for the purpose of guaranteeing loans made to small businesses by financial institutions for the purpose of procuring or improving real or personal property, or both, for the establishment, location, or expansion of industrial, distribution, commercial, or research facilities in the state, if the director determines, in the director's sole discretion, that all of the following apply:

(1) The project is economically sound and will benefit the people of the state by increasing opportunities for employment, by strengthening the economy of the state, or expanding minority business enterprises.

(2) The proposed small business borrower is unable to finance the proposed project through ordinary financial channels at comparable terms.

(3) The value of the project is, or upon completion of it will be, at least equal to the total amount of the money expended in the procurement or improvement of the project and of which amount one or more financial institutions or other governmental entities have loaned not less than thirty per cent.

(4) The amount to be guaranteed by the director will not exceed eighty

per cent of the total amount expended in the procurement or improvement of the project.

(5) The amount to be guaranteed by the director will be adequately secured by a first or second mortgage upon the project, or by mortgages, leases, liens, assignments, or pledges on or of other property or contracts as the director shall require and that such mortgage will not be subordinate to any other liens or mortgages except the liens securing loans or investments made by financial institutions referred to in division (A)(3) of this section, and the liens securing loans previously made by any financial institution in connection with the procurement or expansion of all or part of a project.

(B) The proposed small business borrower shall not have defaulted on a previous loan or guarantee from the director, and no full or limited partner, or major shareholder, or holder of any equity interest of the proposed minority business enterprise borrower shall have defaulted on a loan or guarantee from the director.

(C) The proposed small business borrower shall demonstrate to the satisfaction of the director that it is able to successfully compete in the private sector if it obtains the necessary financial, technical, or managerial support and that support is available through the director, the minority business development ~~office~~ division of the department of development, or other identified and acceptable sources. In determining whether a small business borrower will be able to successfully compete, the director may give consideration to such factors as the successful completion of or participation in courses of study, recognized by the ~~board~~ department of regents higher education as providing financial, technical, or managerial skills related to the operation of the business, by the economically disadvantaged individual, owner, or partner, and the prior success of the individual, owner, or partner in personal, career, or business activities, as well as to other factors identified by the director.

(D) The director shall not guarantee funds for the purpose of procuring or improving motor vehicles or accounts receivable.

Sec. 122.78. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans and guarantees made by the director of development pursuant to sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code shall be such as the director determines to be appropriate and in furtherance of the purpose for which the loans and guarantees are made, but the mortgage lien securing any money loaned or guaranteed by the director may be subordinate to the mortgage lien securing any money loaned or invested by a financial institution, but shall be superior to that securing any money loaned or

expended by any other corporation or person. The funds used in making these loans or guarantees shall be disbursed upon order of the director.

Sec. 122.79. The exercise of the powers granted by sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, for the increase and expansion of minority business enterprises, and for the improvement of conditions of employment, and will constitute the performance of essential governmental functions; therefore, the director of development shall not be required to pay any taxes upon any property or assets held by the director, or upon any property acquired or used by the director under sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, or upon the income from it, provided that this exemption shall not apply to any property held by the director while it is in the possession of a private person, partnership, or corporation and used for private purposes for profit, in which case such tax liability shall accrue to the private person, partnership, or corporation.

Sec. 122.82. All moneys, funds, properties, and assets acquired by the director of development shall be held by the director in trust to carry out the director's powers and duties, shall be used as provided in sections 122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, and shall at no time be part of other public funds.

Sec. 122.84. (A) As used in this section:

(1) "Ohio qualified opportunity fund" means a qualified opportunity fund that holds one hundred per cent of its invested assets in qualified opportunity zone property situated in an Ohio opportunity zone.

In the case of qualified opportunity zone property that is qualified opportunity zone stock or qualified opportunity zone partnership interest, the stock or interest is situated in an Ohio opportunity zone only if, during all of the qualified opportunity fund's holding period for such stock or interest, all of the use of the corporation's or partnership's tangible property was in an Ohio opportunity zone. In the case of qualified opportunity zone property that is qualified opportunity zone business property, the property is situated in an Ohio opportunity zone only if, during all of the fund's holding period for such property, all of the use of the property was in an Ohio opportunity zone.

All terms used in division (A) of this section have the same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be substituted for "substantially all" wherever "substantially all" appears in the definition of those terms or in the definition of terms used in those terms.

(2) "Ohio opportunity zone" means a qualified opportunity zone

designated in this state under 26 U.S.C. 1400Z-1 before, on, or after the effective date of the enactment of this section by H.B. 166 of the 133rd general assembly.

(3) "Taxpayer" and "taxable year" have the same meanings as in section 5747.01 of the Revised Code.

(4) "Qualifying taxable year" means a taxpayer's taxable year that includes the first day of a calendar year during which an Ohio qualified opportunity fund in which the taxpayer invests makes an investment in a project located in an Ohio opportunity zone.

(B) A taxpayer that invests in one or more Ohio qualified opportunity funds may apply to the director of development ~~services~~ for a nonrefundable credit against the tax levied under section 5747.02 of the Revised Code. The application shall be made on forms prescribed by the director on or after the first day of January and on or before the first day of February of each year. The credit shall equal ten per cent of the amount of the taxpayer's investment in the fund that the fund invested during the preceding calendar year in projects located in Ohio opportunity zones.

The taxpayer shall include the following information with the taxpayer's application:

(1) The amount of the taxpayer's investment in Ohio qualified opportunity funds during the taxpayer's qualifying taxable year, arranged according to the amount invested in each such fund if the taxpayer invested in more than one such fund;

(2) A statement from an employee or officer of each Ohio qualified opportunity fund identified by the taxpayer under division (B)(1) of this section certifying the amount of the taxpayer's investment in the fund and the amount of that investment the fund invested in projects located in Ohio opportunity zones during the preceding calendar year. The statement shall describe each project funded by the investment and state each project's location and the portion of the taxpayer's investment invested in each such project. Unless the fund demonstrates otherwise to the director's satisfaction, the amount of a taxpayer's investment that the fund invested in a project located in an Ohio opportunity zone equals the same proportion of the amount of the fund's investment in the project as the taxpayer's investment in the fund bears to the total investment by all investors in that fund on the date the fund makes the investment in the project.

The director shall review applications in the order in which applications are received.

(C)(1) Subject to division (C)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the

director shall issue, within sixty days after the receipt of a complete application under division (B) of this section, a tax credit certificate to the taxpayer identified with a unique number and listing the amount of credit the director determines the taxpayer is eligible to claim.

(2) The director shall not issue certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed fifty million dollars. The director shall not issue certificates to a single applicant ~~in an amount that would cause the tax credits claimed~~ in any fiscal biennium ~~by that applicant, and any person to whom the applicant transfers the certificate under division (E) of this section, to exceed one~~ in an amount that exceeds two million dollars.

The director may not issue a certificate under this section on the basis of any investment for which a small business investment certificate has been issued under section 122.86 of the Revised Code.

(3) The credit may be claimed for the taxpayer's qualifying taxable year or the next ensuing taxable year. The taxpayer shall claim the credit in the order prescribed by section 5747.98 of the Revised Code. Any unused amount may be carried forward for the following five taxable years. If the certificate is issued to a pass-through entity for an investment by the entity, any taxpayer that is a direct or indirect investor in the pass-through entity on the last day of the entity's qualifying taxable year may claim the taxpayer's proportionate or distributive share of the credit against the taxpayer's aggregate amount of tax levied under that section.

(D) A taxpayer claiming a credit under this section shall submit a copy of the certificate with the taxpayer's return or report.

(E) A taxpayer that holds an unclaimed certificate under this section may notify the tax commissioner, in writing, that the taxpayer is transferring the right to claim the credit stated on the certificate. The taxpayer shall identify in that notification the certificate's number and the name and the tax identification number of the transferee. Pursuant to division (D) of this section, the transferee may claim the credit stated on the certificate, subject to the limitations of this section. A transferee may not transfer the right to claim the credit to any other person.

(F) On or before the first day of August each year, the director of development ~~services~~ shall submit a report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on the tax credit program authorized under this section. The report shall include the following information:

(1) The number of projects funded by investments for which a tax credit application was submitted under this section during the preceding year, the

Ohio opportunity zone in which each such project is located, the number of projects funded by investments for which certificates were allocated during the preceding year, a description of each such project, and the composition of an Ohio qualified opportunity fund's investments in each project funded by investments for which a tax credit application was submitted under this section;

(2) The number of taxpayers that invested in an Ohio qualified opportunity fund and applied for a tax credit based on the fund's investment in a project during the preceding year, the name of the fund in which each such investment was made, the number of taxpayers allocated a credit for such investments under this section, and the dollar amount of those credits;

(3) A map that shows the location of each Ohio opportunity zone and that indicates which zones include existing or pending projects that are, or will be, funded by tax credit-eligible investments.

Sec. 122.85. (A) As used in this section and in sections 5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code:

(1) "Tax credit-eligible production" means a motion picture or Broadway theatrical production certified by the director of development ~~services~~ under division (B) of this section as qualifying the production company ~~and its production contractors~~ for a tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code.

(2) "Certificate owner" means a production company ~~or production contractor~~ to which a tax credit certificate is issued.

(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or Broadway theatrical production.

(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production ~~or~~, for postproduction activities, or for advertising and promotion of the production.

"Eligible expenditures" ~~includes, but is not limited to,~~ include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment.

(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public,

including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, marketing, promotion, or exploitation of future investment in either a product or a motion picture by any means and media in any digital media format, film, or videotape, provided the motion picture qualifies as a motion picture. "Motion picture" does not include any television program created primarily as news, weather, or financial market reports, a production featuring current events or sporting events, an awards show or other gala event, a production whose sole purpose is fundraising, a long-form production that primarily markets a product or service or in-house corporate advertising or other similar productions, a production for purposes of political advocacy, or any production for which records are required to be maintained under 18 U.S.C. 2257 with respect to sexually explicit content.

(6) "Broadway theatrical production" means a prebroadway production, long run production, or tour launch that is directed, managed, and performed by a professional cast and crew and that is directly associated with New York city's broadway theater district.

(7) "Prebroadway production" means a live stage production that is scheduled for presentation in New York city's broadway theater district after the original or adaptive version is performed in a qualified production facility.

(8) "Long run production" means a live stage production that is scheduled to be performed at a qualified production facility for more than five weeks, with an average of at least six performances per week.

(9) "Tour launch" means a live stage production for which the activities comprising the technical period are conducted at a qualified production facility before a tour of the original or adaptive version of the production begins.

(10) "Qualified production facility" means a facility located in this state that is used in the development or presentation to the public of theater productions.

~~(11) "Production contractor" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that, pursuant to a contract with a production company producing a motion picture in this state, provides any of the following services to the production company with respect to that production: editing, postproduction, photography, lighting,~~

~~cinematography, sound design, catering, special effects, production coordination, hair styling or makeup, art design, or distribution.~~

(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development ~~services~~ may certify a motion picture or Broadway theatrical production produced by a production company as a tax credit-eligible production. In the case of a television series, the director may certify the production of each episode of the series as a separate tax credit-eligible production. A production company shall apply for certification of a motion picture or Broadway theatrical production as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

- (1) The name and telephone number of the production company;
- (2) The name and telephone number of the company's contact person;
- (3) A list of the first preproduction date through the last production and postproduction dates in Ohio and, in the case of a Broadway theatrical production, a list of each scheduled performance in a qualified production facility;
- (4) The Ohio production office or qualified production facility address and telephone number;
- (5) The total production budget;
- (6) The total budgeted eligible expenditures and the percentage that amount is of the total production budget of the motion picture or Broadway theatrical production;
- (7) In the case of a motion picture, the total percentage of the production being shot in Ohio;
- (8) The level of employment of cast and crew who reside in Ohio;
- (9) A synopsis of the script;
- (10) In the case of a motion picture, the shooting script;
- (11) A creative elements list that includes the names of the principal cast and crew and the producer and director;
- (12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;
- (13) Estimated value of the tax credit based upon total budgeted eligible expenditures;
- (14) Estimated amount of state and local taxes to be generated in this state from the production;
- (15) Estimated economic impact of the production in this state;

(16) Any other information considered necessary by the director.

Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director ~~of development services~~, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's control or due to action or inaction by a government agency. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification.

(C)(1) A production company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production may apply to the director of development ~~services~~ on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application. ~~The application shall state the name and address of each production contractor with which the production company contracted for services and the amount of eligible expenditures paid or incurred under the contract with respect to the production.~~

The credit is determined as follows:

(a) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is less than or equal to three hundred thousand dollars, no credit is allowed;

(b) If the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit ~~for the production company~~ equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts ~~and the credit for each~~

~~production contractor equals thirty per cent of the amount of eligible expenditures paid or incurred under the contract with respect to the production.~~

(2) Except as provided in division (C)(4) of this section, if the director of development ~~services~~ approves a production company's application for a credit, the director shall issue a tax credit certificate to the company ~~and to each of the company's production contractors identified in the application.~~ The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible expenditures on which the credit is based and the amount of the credit. Upon the issuance of a certificate, the director shall certify to the tax commissioner the name of the production company ~~or contractor~~ to which the certificate was issued, the amount of eligible expenditures shown on the certificate, the amount of the credit, and any other information required by the rules adopted to administer this section.

(3) The amount of eligible expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the eligible expenditures are finally determined under section 5703.19 of the Revised Code and division (D) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of the credit amount.

(4) No tax credit certificate may be issued before the completion of the tax credit-eligible production. Not more than forty million dollars of tax credit may be allowed per fiscal year provided that, for any fiscal year in which the amount of tax credits allowed under this section is less than that maximum annual amount, the amount not allowed for that fiscal year shall be added to the maximum annual amount that may be allowed for the following fiscal year.

(5) The director shall review and approve applications for tax credits in two rounds each fiscal year. The first round of credits shall be awarded not later than the last day of July of the fiscal year, and the second round of credits shall be awarded not later than the last day of the ensuing January. The amount of credits awarded in the first round of applications each fiscal year shall not exceed twenty million dollars plus any credit allotment that was not awarded in the preceding fiscal year and carried over under division

(C)(4) of this section. For each round, the director shall rank applications on the basis of the extent of positive economic impact each tax credit-eligible production is likely to have in this state and the effect on developing a permanent workforce in motion picture or theatrical production industries in the state. For the purpose of such ranking, the director shall give priority to tax-credit eligible productions that are television series or miniseries due to the long-term commitment typically associated with such productions. The economic impact ranking shall be based on the production company's total expenditures in this state directly associated with the tax credit-eligible production. The effect on developing a permanent workforce in the motion picture or theatrical production industries shall be evaluated first by the number of new jobs created and second by amount of payroll added with respect to employees in this state.

The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.

(D) A production company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development services certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. ~~If any expenditure disallowed under this division was included in the expenditure for a contract with a production contractor, the contractor's credit amount shall be reduced in proportion to such disallowed expenditure.~~ If the director disallows an expenditure, the director shall issue a written notice to the production company ~~or affected production contractor~~ stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report

and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any Broadway theatrical production.

(G)(1) The director of development ~~services~~ in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture or Broadway theatrical production is a tax credit-eligible production; activities that constitute the production or postproduction of a motion picture or Broadway theatrical production; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration of geographic distribution of credits; and implementation of the program described in division (H) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

(2) To cover the administrative costs of the program, the director shall require each applicant to pay an application fee equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund.

(H) The director of development ~~services~~ shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production.

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the

director, authorize a reimbursement payment to each production company whose application was approved under division (H)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 122.851. (A) As used in this section:

(1) "Venture capital operating company" has the same meaning as in 29 C.F.R. 2510.3-101.

(2) "Ohio venture capital operating company" means a venture capital operating company certified by the director of development as having met the requirements prescribed by division (B) of this section. A venture capital operating company is an Ohio venture capital operating company only for so long as the certification is valid.

(3) "Ohio business" means a business that, in either the calendar year in which a capital gain from the business is recognized by the Ohio venture capital operating company or its direct or indirect investors or the calendar year in which the Ohio venture capital operating company distributes an equity interest or security in the business, has its headquarters in this state and employs more than one-half of the total number of its full-time equivalent employees in this state. For the purpose of this section, an employee is employed in this state if the business is required to withhold income tax under section 5747.06 of the Revised Code for fifty per cent or more of the compensation paid to the employee in either the calendar year in which the Ohio venture capital operating company or its direct or indirect investors recognize a capital gain from the business or the calendar year in which the Ohio venture capital operating company distributes an equity interest or security in the business, as applicable.

(4) "Qualifying interest" means a direct or indirect ownership interest acquired through an investment of cash or cash equivalent made in, or the provision of services to, a venture capital operating company during the period for which it was certified as an Ohio venture capital operating company.

(B)(1) A venture capital operating company may apply to the director of development for certification as an Ohio venture capital operating company if it manages, or has capital commitments of, at least fifty million dollars in active assets and at least two-thirds of its managing and general partners are residents of Ohio under division (I) of section 5747.01 of the Revised Code. The director, in consultation with the tax commissioner, shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

(2) The director shall review and make a determination with respect to

each application submitted under this division within sixty days of receipt. The director shall grant certification to any applicant that meets the criteria prescribed by this division. The director shall decline certification of any applicant that does not meet such criteria. The director shall notify the applicant and the tax commissioner of the director's determination in writing.

(C)(1) Certification as an Ohio venture capital operating company is valid for as long as the company continues to qualify as a venture capital operating company and meets the criteria prescribed by division (B)(1) of this section.

(2) A company that no longer qualifies as a venture capital operating company or no longer meets the criteria prescribed by division (B)(1) of this section shall notify the director within thirty days of the date the company ceases to qualify.

(3) Upon receiving such a notification or upon otherwise discovering that an Ohio venture capital operating company no longer qualifies for certification, the director shall issue a written notice of revocation to the venture capital operating company and the tax commissioner. The notice shall state the effective date of the revocation, which shall be the date the company ceased to qualify for certification as an Ohio venture capital operating company.

(4) An Ohio venture capital operating company receiving such a notice may contest the director's decision to revoke its certification or the effective date of that revocation by submitting additional information or documentation to the director and requesting reconsideration in writing within thirty days of the notice of revocation based on that information or documentation. The director shall review and evaluate any such requests within thirty days of receipt. The director shall notify the company and tax commissioner in writing of the director's decision on the request, which shall not be subject to appeal or further review.

(D)(1) On or after the first day of January and on or before the first day of February of each year, a company that is certified as an Ohio venture capital operating company shall provide the following information, on forms prescribed by the director of development, to the director and the tax commissioner:

(a) The name, social security or federal employer identification number, and ownership percentage of each person with a qualifying interest in the company;

(b) The amount of capital gains generated during the portion of the previous calendar year during which the company was certified as an Ohio

venture capital operating company:

(c) A description of the company's investments that generated the capital gains described in division (D)(1)(b) of this section, including the date of sale and whether the investment was in an Ohio business;

(d) The amount of, and basis in, any equity interests or securities distributed to each investor, arranged by entity, while the company was certified as an Ohio venture capital operating company and whether the entity is an Ohio business;

(e) Any other information the director, in consultation with the tax commissioner, considers relevant and necessary to administer the deduction allowed under division (A)(35) of section 5747.01 of the Revised Code.

(2) The director shall review the information submitted under division (D)(1) of this section by an Ohio venture capital operating company within sixty days of receipt. If the company generated capital gains that qualify for the deduction allowed under division (A)(35) of section 5747.01 of the Revised Code or distributed equity interests or securities that, when sold, will qualify for the deduction once income is recognized from its disposition, the director shall issue a certificate to the company. The certificate shall include a unique number and the following information:

(a) The total amount of capital gains generated during the portion of the year during which the company was certified as an Ohio venture capital operating company;

(b) The portion of the capital gains attributable to the company's investments in Ohio businesses; and

(c) The total amount of, and basis in, any equity interests or securities distributed during the portion of the year during which the company was certified as an Ohio venture capital operating company;

(d) The portion of the distributed equity interests or securities attributable to the company's investments in Ohio businesses;

(e) The portion of the amounts described in divisions (D)(2)(a) and (b) of this section attributable to each individual with a qualifying interest in the company;

(f) Any other information the director or tax commissioner considers necessary for the administration of the deduction allowed under division (A)(35) of section 5747.01 of the Revised Code.

(E) An Ohio venture capital operating company shall provide each person with a qualifying interest in the company with a copy of the certificate issued under division (D) of this section and any other documentation necessary to compute the adjustments under division (A)(35) of section 5747.01 of the Revised Code. A pass-through entity that receives

a certificate issued under this division from an Ohio venture capital operating company shall provide its investors with a copy of the certificate and any other documentation necessary to compute the adjustments under division (A)(35) of section 5747.01 of the Revised Code.

A taxpayer claiming a deduction under division (A)(35)(a) of section 5747.01 of the Revised Code shall provide, upon request of the tax commissioner, a copy of that certificate. The taxpayer shall retain a copy of the certificate for four years from the later of the final filing date of the return on which the deduction was claimed or the date the return on which the deduction was claimed is filed.

(F) The director of development, in consultation with the tax commissioner, may adopt rules in accordance with Chapter 119. of the Revised Code as are necessary to administer this section.

Sec. 122.87. As used in sections 122.87 to 122.90 of the Revised Code:

(A) "Surety company" means a company that is authorized by the department of insurance to issue bonds as surety.

(B) "Minority business" means any of the following occupations:

- (1) Minority construction contractor;
- (2) Minority seller;
- (3) Minority service vendor.

(C) "Minority construction contractor" means a person who is both a construction contractor and an owner of a minority business enterprise certified under division (B) of section ~~123.151~~ 122.921 of the Revised Code.

(D) "Minority seller" means a person who is both a seller of goods and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under section 125.08 of the Revised Code.

(E) "Minority service vendor" means a person who is both a vendor of services and an owner of a minority business enterprise listed on the special minority business enterprise bid notification list under section 125.08 of the Revised Code.

(F) "Minority business enterprise" has the meaning given in section 122.71 of the Revised Code.

(G) "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the director of administrative services under section ~~123.152~~ 122.922 of the Revised Code.

Sec. 122.89. (A) The director of development ~~services~~ may execute bonds as surety for minority businesses as principals, on contracts with the

state, any political subdivision or instrumentality thereof, or any person as the obligee. The director as surety may exercise all the rights and powers of a company authorized by the department of insurance to execute bonds as surety but shall not be subject to any requirements of a surety company under Title XXXIX of the Revised Code nor to any rules of the department of insurance.

(B) The director, with the advice of the minority development financing advisory board, shall adopt rules under Chapter 119. of the Revised Code establishing procedures for application for surety bonds by minority businesses and for review and approval of applications. The board shall review each application in accordance with the rules and, based on the bond worthiness of each applicant, shall refer all qualified applicants to the director. Based on the recommendation of the board, the director shall determine whether or not the applicant shall receive bonding.

(C) The rules of the board shall require the minority business to pay a premium in advance for the bond to be established by the director, with the advice of the board after the director receives advice from the superintendent of insurance regarding the standard market rates for premiums for similar bonds. All premiums paid by minority businesses shall be paid into the minority business bonding program administrative and loss reserve fund.

(D) The rules of the board shall provide for a retainage of money paid to the minority business or EDGE business enterprise of fifteen per cent for a contract valued at more than fifty thousand dollars and for a retainage of twelve per cent for a contract valued at fifty thousand dollars or less.

(E) The penal sum amounts of all outstanding bonds issued by the director shall not exceed the amount of moneys in the minority business bonding fund and available to the fund under division (B) of section 169.05 of the Revised Code.

(F) The superintendent of insurance shall provide such technical and professional assistance as is considered necessary by the director, including providing advice regarding the standard market rates for bond premiums as described under division (C) of this section.

(G) Notwithstanding any provision of the Revised Code to the contrary, a minority business or EDGE business enterprise may bid or enter into a contract with the state or with any instrumentality of the state without being required to provide a bond as follows:

(1) For the first contract that a minority business or EDGE business enterprise enters into with the state or with any particular instrumentality of the state, the minority business or EDGE business enterprise may bid or

enter into a contract valued at twenty-five thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(2) After the state or any particular instrumentality of the state has accepted the first contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a second contract with the state or with that particular instrumentality of the state valued at fifty thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(3) After the state or any particular instrumentality of the state has accepted the second contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a third contract with the state or with that particular instrumentality of the state valued at one hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(4) After the state or any particular instrumentality of the state has accepted the third contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a fourth contract with the state or with that particular instrumentality of the state valued at three hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(5) After the state or any instrumentality of the state has accepted the fourth contract as completed and all subcontractors and suppliers on the contract have been paid, upon a showing that with respect to a contract valued at four hundred thousand dollars or less with the state or with any particular instrumentality of the state, that the minority business or EDGE business enterprise either has been denied a bond by two surety companies or that the minority business or EDGE business enterprise has applied to two surety companies for a bond and, at the expiration of sixty days after making the application, has neither received nor been denied a bond, the minority business or EDGE business enterprise may repeat its participation

in the unbonded state contractor program. Under no circumstances shall a minority business or EDGE business enterprise be permitted to participate in the unbonded state contractor program more than twice.

(H) Notwithstanding any provision of the Revised Code to the contrary, a minority business or EDGE business enterprise may bid or enter into a contract with any political subdivision of the state or with any instrumentality of a political subdivision without being required to provide a bond as follows:

(1) For the first contract that the minority business or EDGE business enterprise enters into with any particular political subdivision of the state or with any particular instrumentality of a political subdivision, the minority business or EDGE business enterprise may bid or enter into a contract valued at twenty-five thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(2) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the first contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a second contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at fifty thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(3) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the second contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a third contract with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at one hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(4) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the third contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a fourth contract

with that particular political subdivision of the state or with that particular instrumentality of a political subdivision valued at two hundred thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise has successfully completed a qualified contractor assistance program after October 16, 2009;

(5) After any political subdivision of the state or any instrumentality of a political subdivision has accepted the fourth contract as completed and all subcontractors and suppliers on the contract have been paid, upon a showing that with respect to a contract valued at three hundred thousand dollars or less with any political subdivision of the state or any instrumentality of a political subdivision, that the minority business or EDGE business enterprise either has been denied a bond by two surety companies or that the minority business or EDGE business enterprise has applied to two surety companies for a bond and, at the expiration of sixty days after making the application, has neither received nor been denied a bond, the minority business or EDGE business enterprise may repeat its participation in the unbonded political subdivision contractor program. Under no circumstances shall a minority business or EDGE business enterprise be permitted to participate in the unbonded political subdivision contractor program more than twice.

(I) Notwithstanding any provision of the Revised Code to the contrary, if a minority business or EDGE business enterprise has entered into two or more contracts with the state or with any instrumentality of the state, the minority business or EDGE business enterprise may bid or enter into a contract with a political subdivision of the state or with any instrumentality of a political subdivision valued at the level at which the minority business or EDGE business enterprise would qualify if entering into an additional contract with the state.

(J) The director of development ~~services~~ shall coordinate and oversee the unbonded state contractor program described in division (G) of this section, the unbonded political subdivision contractor program described in division (H) of this section, and the approval of a qualified contractor assistance program. The director shall prepare an annual report and submit it to the governor and the general assembly on or before the first day of August that includes the following: information on the director's activities for the preceding calendar year regarding the unbonded state contractor program, the unbonded political subdivision contractor program, and the qualified contractor assistance program; a summary and description of the operations and activities of these programs; an assessment of the achievements of these programs; and a recommendation as to whether these

programs need to continue.

(K) As used in this section:

(1) "EDGE business enterprise" means an EDGE business enterprise certified under section ~~123.152~~ 122.922 of the Revised Code.

(2) "Qualified contractor assistance program" means an educational program or technical assistance program for business development that is designed to assist a minority business or EDGE business enterprise in becoming eligible for bonding and has been approved by the director of development ~~services~~ for use as required under this section.

(3) "Successfully completed a qualified contractor assistance program" means the minority business or EDGE business enterprise completed such a program on or after October 16, 2009.

(4) "Unbonded state contractor program" means the program described in division (G) of this section.

(5) "Unbonded political subdivision contractor program" means the program described in division (H) of this section.

Sec. 122.90. (A) The director of development may guarantee bonds executed by sureties for minority businesses and EDGE business enterprises certified under section ~~123.152~~ 122.922 of the Revised Code as principals on contracts with the state, any political subdivision or instrumentality, or any person as the obligee. The director, as guarantor, may exercise all the rights and powers of a company authorized by the department of insurance to guarantee bonds under Chapter 3929. of the Revised Code but otherwise is not subject to any laws related to a guaranty company under Title XXXIX of the Revised Code nor to any rules of the department of insurance.

(B) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures for the application for bond guarantees and the review and approval of applications for bond guarantees submitted by sureties that execute bonds eligible for guarantees under division (A) of this section.

(C) In accordance with rules adopted pursuant to this section, the director may guarantee up to ninety per cent of the loss incurred and paid by sureties on bonds guaranteed under division (A) of this section.

(D) The penal sum amounts of all outstanding guarantees made by the director under this section shall not exceed three times the difference between the amount of moneys in the minority business bonding fund and available to the fund under division (B) of section 169.05 of the Revised Code and the amount of all outstanding bonds issued by the director in accordance with division (A) of section 122.89 of the Revised Code.

(E) The director of development, with controlling board approval, may

approve one application per fiscal year from each surety bond company for bond guarantees in an amount requested to support one fiscal year of that company's activity under this section. A surety bond company that applies for a bond guarantee under this division, whether or not the guarantee is approved, is not restricted from also applying for individual bond guarantees under division (A) of this section.

Sec. 122.92. There is hereby created in the department of development a minority business development division. The division shall do all of the following:

(A) Provide technical, managerial, and counseling services and assistance to minority business enterprises;

(B) Provide procurement and bid packaging assistance to minority business enterprises;

(C) Provide bonding technical assistance to minority business enterprises;

(D) Participate with other state departments and agencies as appropriate in developing specific plans and specific program goals for programs to assist in the establishment and development of minority business enterprises and establish regular performance monitoring and reporting systems to ensure that those goals are being achieved;

(E) Implement state law and policy supporting minority business enterprise development, and assist in the coordination of plans, programs, and operations of state government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprises;

(F) Assist in the coordination of activities and resources of state agencies and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups, to promote the growth of minority business enterprises;

(G) Establish a center for the development, collection, and dissemination of information that will be helpful to persons in establishing or expanding minority business enterprises in this state;

(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;

(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority business enterprise programs to ensure consistency with program goals and to preclude duplication of efforts by other state agencies;

(J) Recommend appropriate legislative or executive actions to enhance

minority business enterprise opportunities in the state;

(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;

(L) Assist minority business enterprises in contract procurement from government and commercial sources;

(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;

(N) Establish procedures to identify persons who have been economically disadvantaged;

(O) Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the entities or corporations focus on business, technical, and financial assistance to minority business enterprises to assist the enterprises with fixed asset financing;

(P) Implement the minority business enterprise program described in section 122.921 of the Revised Code, the encouraging diversity, growth, and equity program described in section 122.922 of the Revised Code, the women-owned business enterprise program described in section 122.924 of the Revised Code, and the veteran-friendly business enterprise program described in section 122.925 of the Revised Code.

(Q) Do all acts and things necessary or proper to carry out the powers expressly granted and duties imposed by sections 122.92 to 122.94 of the Revised Code.

Sec. ~~123.151~~ 122.921. (A) As used in this section, "minority business enterprise" has the same meaning as in division (E)(1) of section 122.71 of the Revised Code.

(B)(1) The director of ~~administrative services~~ development shall make rules in accordance with Chapter 119. of the Revised Code establishing procedures by which minority businesses may apply to the ~~equal employment opportunity coordinator~~ department of development for certification as minority business enterprises.

(2) The ~~coordinator~~ director shall approve the application of any minority business enterprise that complies with the rules adopted under this division. Any person adversely affected by an order of the ~~coordinator~~ director denying certification as a minority business enterprise may appeal as provided in Chapter 119. of the Revised Code. The ~~coordinator~~ director shall prepare and maintain a list of certified minority business enterprises.

(C) ~~The department of administrative services, every other~~ Every state

agency authorized to enter into contracts for construction or contracts for purchases of equipment, materials, supplies, insurance, or services, and every port authority shall file a report every ninety days with the ~~equal employment opportunity coordinator~~ department of development. The report shall be filed at a time and in a form prescribed by the ~~coordinator~~ director of development. The report shall include the name of each minority business enterprise that the state agency or port authority entered into a contract with during the preceding ninety-day period and the total value and type of each such contract. No later than thirty days after the end of each fiscal year, the ~~coordinator~~ director shall notify in writing each state agency and port authority that has not complied with the reporting requirements of this division for the prior fiscal year. A copy of this notification regarding a state agency shall be submitted to the director of budget and management. No later than thirty days after the notification, the state agency or port authority shall submit to the ~~coordinator~~ director the information necessary to comply with the reporting requirements of this division.

If, after the expiration of this thirty-day period, a state agency has not complied with the reporting requirements of this division, the ~~coordinator~~ director of development shall certify to the director of budget and management that the state agency has not complied with the reporting requirements. A copy of this certification shall be submitted to the state agency. Thereafter, no funds of the state agency shall be expended during the fiscal year for construction or purchases of equipment, materials, supplies, contracts of insurance, or services until the ~~coordinator~~ director of development certifies to the director of budget and management that the state agency has complied with the reporting requirements of this division for the prior fiscal year.

If any port authority has not complied with the reporting requirement after the expiration of the thirty-day period, the ~~coordinator~~ director of development shall certify to the speaker of the house of representatives and the president of the senate that the port authority has not complied with the reporting requirements of this division. A copy of this certification shall be submitted to the port authority. Upon receipt of the certification, the speaker of the house of representatives and the president of the senate shall take such action or make such recommendations to the members of the general assembly as they consider necessary to correct the situation.

Sec. ~~123.152~~ 122.922. (A) As used in this section, "EDGE business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture certified as a participant in the encouraging diversity, growth, and equity program by the

director of ~~administrative services~~ development under this section of the Revised Code.

(B) The director of ~~administrative services~~ development shall establish a business assistance program known as the encouraging diversity, growth, and equity program and shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the program that do all of the following:

(1) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture may apply for certification as an EDGE business enterprise;

(2) Except as provided in division (B)(14) of this section, establish agency procurement goals for contracting with EDGE business enterprises in the award of contracts under Chapters 123., 125., and 153. of the Revised Code based on the availability of eligible program participants by region or geographic area, as determined by the director, and by standard industrial code or equivalent code classification.

(a) Goals established under division (B)(2) of this section shall be based on a percentage level of participation and a percentage of contractor availability.

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services.

(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic disadvantage based on the following, as determined to be sufficient by the director:

(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;

(b) Social disadvantage based on any of the following:

(i) A rebuttable presumption when the business owner or owners demonstrate membership in a racial minority group or show personal disadvantage due to color, ethnic origin, gender, physical disability, long-term residence in an environment isolated from the mainstream of American society, location in an area of high unemployment;

(ii) Some other demonstration of personal disadvantage not common to other small businesses;

(iii) By business location in a qualified census tract.

(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic

development through contract awards to businesses located in qualified census tracts.

(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;

(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;

(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;

(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;

(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;

(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;

(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;

(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;

(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;

(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;

(14) Establish guidelines for state universities as defined in section 3345.011 of the Revised Code and the Ohio facilities construction commission created in section 123.20 of the Revised Code for awarding contracts pursuant to Chapters 153., 3318., and 3345. of the Revised Code to allow the universities and commission to establish agency procurement goals for contracting with EDGE business enterprises.

(C) Business and personal financial information and trade secrets submitted by encouraging diversity, growth, and equity program applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program.

Sec. ~~123.153~~ 122.923. (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section ~~123.154~~ 122.921 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section ~~123.152~~ 122.922 of the Revised Code.

(3) "Women-owned business enterprise" has the same meaning as in section ~~123.154~~ 122.924 of the Revised Code.

"Veteran-friendly business enterprise" has the same meaning as in section 122.925 of the Revised Code.

(B) Not later than the first day of October in each year, the director of ~~administrative services~~ development shall submit a written report to the governor and to each member of the general assembly describing the progress made by state agencies in advancing the minority business enterprise program, the encouraging diversity, growth, and equity program, ~~and the women-owned business enterprise program, and the veteran-friendly business enterprise program.~~ The report shall highlight the initiatives implemented to encourage participation of minority-owned, socially and economically disadvantaged, ~~and women-owned businesses, and veteran-friendly businesses~~ in programs funded by state money or federal money received by the state. The report shall also include the total number of procurement contracts each agency has entered into with certified minority business enterprises, EDGE business enterprises, ~~and women-owned business enterprises, and veteran-friendly business enterprises.~~

Sec. ~~123.154~~ 122.924. (A) As used in this section:

"Women-owned business enterprise" means any individual, partnership, corporation, or joint venture of any kind that is owned and controlled by women who are United States citizens and residents of this state or of a reciprocal state.

"Owned and controlled" means that at least fifty-one per cent of the business, including corporate stock if it is a corporation, is owned by women and that such owners have control over the day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to their percentage of ownership. In order to qualify as a women-owned business, a business shall have been owned by such owners at least one year.

(B) The director of ~~administrative services~~ development shall establish a business assistance program known as the women-owned business enterprise program and shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the program that do all of the following:

(1) Establish procedures by which a business enterprise may apply for certification as a women-owned business enterprise;

(2) Establish standards to determine when a women-owned business enterprise no longer qualifies for women-owned business enterprise certification;

(3) Establish a system to make publicly available a list of women-owned business enterprises certified under this section;

(4) Establish a process to mediate complaints and to review women-owned business enterprise certification appeals;

(5) Implement an outreach program to educate potential participants about the women-owned business enterprise program;

(6) Establish a system to assist state agencies in identifying and utilizing women-owned business enterprises in their contracting processes;

(7) Implement a system of self-reporting by women-owned business enterprises as well as an on-site inspection process to validate the qualifications of women-owned business enterprises.

(C) Business and personal financial information and trade secrets submitted by women-owned business enterprise applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program.

(D) The director of ~~administrative services~~ development, upon approval of the attorney general, may enter into a reciprocal agreement with the appropriate officials of one or more states, when the other state has a business assistance program or programs substantially similar to the women-owned business enterprise program of this state. The agreement shall provide that a business certified by the other state as a women-owned business enterprise, which is owned and controlled by a resident or residents of that other state, shall be considered a women-owned business enterprise in this state under this section. The agreement shall provide that a women-owned business enterprise certified under this section, which is owned and controlled by a resident or residents of this state, shall be considered certified in the other state and eligible for programs of that state that provide an advantage or benefit to such businesses.

Sec. ~~9-318~~ 122.925. (A) As used in this section:

"Armed forces" means the armed forces of the United States, including the army, navy, air force, marine corps, coast guard, or any reserve component of those forces; the national guard of any state; the commissioned corps of the United States public health service; the merchant

marine service during wartime; such other service as may be designated by congress; and the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

"State agency" has the meaning defined in section 1.60 of the Revised Code.

"Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces, who has been honorably discharged or discharged under honorable conditions from the armed forces or who has been transferred to the reserve with evidence of satisfactory service.

"Veteran-friendly business enterprise" means a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture that meets veteran employment standards established by the director of ~~administrative services~~development and the director of transportation under this section.

(B) The director of ~~administrative services~~development and the director of transportation shall establish and maintain the veteran-friendly business procurement program. The director of ~~administrative services~~development shall adopt rules to administer the program for all state agencies except the department of transportation, and the director of transportation shall adopt rules to administer the program for the department of transportation. The rules shall be adopted under Chapter 119. of the Revised Code. The rules, as adopted separately by but with the greatest degree of consistency possible between the two directors, shall do all of the following:

(1) Establish criteria, based on the percentage of an applicant's employees who are veterans, that qualifies an applicant for certification as a veteran-friendly business enterprise;

(2) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture may apply for certification as a veteran-friendly business enterprise;

(3) Establish procedures for certifying a sole proprietorship, association, partnership, corporation, limited liability company, or joint venture as a veteran-friendly business enterprise;

(4) Establish standards for determining when a veteran-friendly business enterprise no longer qualifies for certification as a veteran-friendly business enterprise;

(5) Establish procedures, to be used by state agencies or the department of transportation, for the evaluation and ranking of proposals, which provide preference or bonus points to each certified veteran-friendly business enterprise that submits a bid or other proposal for a contract with the state or

an agency of the state other than the department of transportation, or with the department of transportation, for the rendering of services, or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement;

(6) Implement an outreach program to educate potential participants about the veteran-friendly business procurement program; and

(7) Establish a process for monitoring overall performance of the veteran-friendly business procurement program.

Sec. 122.98. (A) There is hereby created the Ohio aerospace and aviation technology committee, consisting of the following members:

(1) Three members of the senate, appointed by the president of the senate, not more than two of whom may be members of the same political party;

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, not more than two of whom may be members of the same political party;

(3) Fifteen members representing the aviation, aerospace, or technology industry, the military, or academia. One such member shall be appointed by the governor, and fourteen such members shall be appointed by majority vote of the six members representing the senate and house of representatives.

The legislative members of the committee shall be appointed not later than September 1, 2014, and the remaining members shall be appointed within ten days thereafter. The initial term of all members shall end on December 31, 2016. Thereafter, the term of all members shall end on the thirty-first day of December of the year following the year of appointment. Vacancies shall be filled in the manner of the original appointment.

The first legislator appointed to the committee by the speaker of the house of representatives after the effective date of H.B. 292 of the 130th general assembly, September 17, 2014, shall serve as the first chairperson of the committee and shall serve until December 31, 2016. Every general assembly thereafter, ~~the chairperson shall alternate between the first legislator appointed by the president of the senate and the first legislator appointed by the speaker of the house of representatives~~ committee shall select a chairperson from among its legislative members.

(B) The duties of the committee shall include, but are not limited to, all of the following:

(1) Studying and developing comprehensive strategies to promote the aviation, aerospace, and technology industry throughout the state, including

through the commercialization of aviation, aerospace, and technology products and ideas;

(2) Encouraging communication and resource-sharing among individuals and organizations involved in the aviation, aerospace, and technology industry, including business, the military, and academia;

(3) Promoting research and development in the aviation, aerospace, and technology industry, including research and development of unmanned aerial vehicles;

(4) Providing assistance related to military base realignment and closure.

(C) The Ohio aerospace and aviation council shall serve as an advisory council to the committee.

(D) The committee shall compile an annual report of its activities, findings, and recommendations and shall furnish a copy of the report to the governor, president of the senate, and speaker of the house of representatives not later than the thirty-first day of December of each year.

Sec. 123.01. (A) The department of administrative services, in addition to those powers enumerated in Chapters 124. and 125. of the Revised Code and provided elsewhere by law, shall exercise the following powers:

(1) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(2) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(3) To erect, supervise, and maintain all public monuments and memorials erected by the state, except where the supervision and maintenance is otherwise provided by law;

(4) To procure, by lease, storage accommodations for a state agency;

(5) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses may be granted to any person or entity, shall be for a period not to exceed fifteen years, unless a longer period is authorized by division (A)(5) of this section, and shall be executed for the state by the director of administrative services, ~~provided that the~~ The director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective

university's board of trustees pursuant to section 123.17 of the Revised Code. The director may grant perpetual easements to public utilities, as defined in section 4905.02 of the Revised Code or described in section 4905.03 of the Revised Code.

(6) To lease space for the use of a state agency;

(7) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

(8) To exercise general custodial care of all real property of the state;

(9) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;

(10) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.

(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;

(ii) Details to scale and full sized, so drawn and represented as to be easily understood;

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other

improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease agreement to the builder who has submitted the lowest and best bid and who has been certified by the bureau and secretary of state as required by this section. If bidding for the lease agreement has been conducted upon the basis of basic plans, specifications, bills of materials, and estimates of costs, upon the award to the builder the department, or the builder with the approval of the department, shall appoint an architect or engineer licensed in this state to prepare such further detailed plans, specifications, and bills of materials as are required to construct the building, structure, or improvement. The department shall adopt such rules as are necessary to give effect to this section. The department may reject any bid. Where there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

(11) To acquire by purchase, gift, devise, or grant and to transfer, lease, or otherwise dispose of all real property required to assist in the development of a conversion facility as defined in section 5709.30 of the Revised Code as that section existed before its repeal by Amended Substitute House Bill 95 of the 125th general assembly;

(12) To lease for a period not to exceed forty years, notwithstanding any other division of this section, the state-owned property located at 408-450 East Town Street, Columbus, Ohio, formerly the state school for the deaf, to a developer in accordance with this section. "Developer," as used in this section, has the same meaning as in section 123.77 of the Revised Code.

Such a lease shall be for the purpose of development of the land for use by senior citizens by constructing, altering, renovating, repairing, expanding, and improving the site as it existed on June 25, 1982. A developer desiring to lease the land shall prepare for submission to the department a plan for development. Plans shall include provisions for roads, sewers, water lines, waste disposal, water supply, and similar matters to meet the requirements of state and local laws. The plans shall also include provision for protection of the property by insurance or otherwise, and plans for financing the development, and shall set forth details of the developer's financial responsibility.

The department may employ, as employees or consultants, persons needed to assist in reviewing the development plans. Those persons may include attorneys, financial experts, engineers, and other necessary experts. The department shall review the development plans and may enter into a lease if it finds all of the following:

(a) The best interests of the state will be promoted by entering into a lease with the developer;

(b) The development plans are satisfactory;

(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and stipulations as the director considers necessary to preserve the best interest of the state. Moneys received by the state pursuant to this lease shall be paid into the general revenue fund. The lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

(13) To manage the use of space owned and controlled by the department by doing all of the following:

(a) Biennially implementing, by state agency location, a census of agency employees assigned space;

(b) Periodically in the discretion of the director of administrative services:

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.

(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.

(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:

(a) Identifying available energy efficiency and conservation opportunities;

(b) Providing for interchange of information among purchasing agencies;

(c) Identifying laws, policies, rules, and procedures that should be modified;

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact

on energy consumption by the government;

(e) Providing technical assistance and training to state employees involved in the purchasing process;

(f) Working with the department of development services~~agency~~ to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.

(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.

Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, except for those passenger vehicles acquired for use in law enforcement or emergency rescue work, by a sum of terms, each of which is a fraction created by dividing the number of passenger vehicles of a given make, model, and year, except for passenger vehicles acquired for use in law enforcement or emergency rescue work, acquired during the fiscal year by the fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.

As used in division (A)(16) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.

(17) To correct legal descriptions or title defects, or release fractional interests in real property, as necessary to cure title clouds reflected in public records, including those resulting from boundary disputes, ingress or egress issues, title transfers precipitated through retirement of bond requirements, and the retention of fractional interests in real estate otherwise disposed of in previous title transfers.

(18) To, with controlling board approval, sell state-owned real property that is appraised at not more than one hundred thousand dollars by an independent third-party appraiser.

Notwithstanding any provision of law to the contrary, net proceeds from any disposition of real property made pursuant to division (A)(18) of this section shall, at the direction of the director of budget and management, be credited to a fund or funds in the state treasury, or to accounts held by a state institution of higher education for purposes to be determined by the institution.

(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following:

(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories;

(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department;

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities for the use of the division;

(5) The power of the director of development ~~services~~ to enter into

leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code;

(7) The power of the department of public safety under section 5502.01 of the Revised Code to direct security measures and operations for the Vern Riffe center and the James A. Rhodes state office tower. The department of administrative services shall implement all security measures and operations at the Vern Riffe center and the James A. Rhodes state office tower as directed by the department of public safety.

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the opportunities for Ohioans with disabilities agency, the bureau of workers' compensation, or the departments of public safety, job and family services, mental health and addiction services, developmental disabilities, and rehabilitation and correction; buildings of educational and benevolent institutions under the management and control of boards of trustees; and purchases or leases for, and the custody and repair of, office space used for the purposes of any agency of the legislative branch of state government are not subject to the control and jurisdiction of the department of administrative services.

An agency of the legislative branch of state government that uses office space in a building under the management and control of the department of administrative services may exercise the agency's authority to improve the agency's office space as authorized under this division only if, upon review, the department of administrative services concludes the proposed improvements do not adversely impact the structural integrity of the building.

If an agency of the legislative branch of state government, except the capitol square review and advisory board, so requests, the agency and the director of administrative services may enter into a contract under which the department of administrative services agrees to perform any services requested by the agency that the department is authorized under this section to perform. In performing such services, the department shall not use competitive selection. As used in this division, "competitive selection" has the meaning defined in section 125.01 of the Revised Code and includes any other type of competitive process for the selection of persons producing or dealing in the services to be provided.

(D) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 123.02. The director of administrative services shall be appointed superintendent of public works and shall have the care and control of the public works of the state and shall protect, maintain, and keep them in repair.

Subject to the approval of the governor, the director may purchase on behalf of the state such real or personal property, rights, or privileges as are necessary, in the director's judgment, to acquire in the maintenance of the public works or their improvement.

The document that evidences the vesting of any right, title, or interest in real property, other than public lands, belonging to or used by the state shall be recorded in the office of the county recorder of the county in which the property is situated. When recorded, such document and related papers shall be deposited with the director of administrative services and kept in the director of administrative services' office, except that evidence of title to highway rights-of-way shall be deposited with the director of transportation and kept in the director of transportation's office. The director of administrative services shall register the document, except title to highway rights-of-way, in a record system prepared for that purpose and open for inspection by all persons interested.

Any instrument by which the state or an agency of the state acquires real property pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 124.136. (A) As used in this section:

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.

(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.

(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (A)(2) (B)(2)(a) of this section is eligible, upon the birth, stillbirth, or adoption of a child, for a parental leave of absence and parental leave benefits under this section. Parental leave of absence shall begin on the day of the birth of a child or on the day on which custody of a child is taken for adoption placement by the prospective parents. If the

employee takes leave under this section for a stillbirth, the employee is ineligible for leave under section 124.387 of the Revised Code.

(2)(a) To be eligible for leave and benefits under this section, an employee must be ~~a~~ one of the following:

(i) A parent, as listed on the birth certificate, of a newly born child or the:

(ii) A parent, as listed on the fetal death certificate, of a stillborn child;

(iii) A legal guardian of and reside in the same household as a newly adopted child.

(b) Employees may elect to receive ~~two~~ five thousand dollars for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

~~(B)~~(C) Parental leave granted under this section shall not exceed six ~~continuous~~ consecutive weeks, which shall include four weeks or one hundred sixty hours of paid leave for permanent full-time employees and a prorated number of hours of paid leave for permanent part-time employees. Parental leave shall be taken within one year of the birth of the child, delivery of the stillborn child, or placement of the child for adoption. All employees granted parental leave shall serve a waiting period of fourteen days that begins on the day parental leave begins and during which they shall not receive paid leave under this section. Employees may choose to work during the waiting period. During the remaining four weeks of the leave period, employees shall receive paid leave equal to seventy per cent of their base rate of pay. All of the following apply to employees granted parental leave:

(1) They remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave as if they were in active pay status.

(2) They are ineligible to receive overtime pay, and no portion of their

parental leave shall be included in calculating their overtime pay.

(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of parental leave and be paid as such.

~~(C)~~(D) Employees receiving parental leave may utilize available sick leave, personal leave, vacation leave, or compensatory time balances in order to be paid during the fourteen-day waiting period and to supplement the seventy per cent of their base rate of pay received during the remaining part of their parental leave period, in an amount sufficient to give them up to one hundred per cent of their pay for time on parental leave.

Use of parental leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 U.S.C.A. 2601, except that parental leave shall be included in any leave time provided under that act. An employee may not receive parental leave under this section after exhausting leave under the Family and Medical Leave Act of 1993 for the birth of the child, delivery of the stillborn child, or placement of the child for adoption.

~~(D)~~(E) Employees receiving disability leave benefits under section 124.385 of the Revised Code prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of their disabling condition or as otherwise provided under the disability leave benefits program. If an employee is receiving disability leave benefits because of pregnancy and these benefits expire prior to the expiration date of any benefits the employee would have been entitled to receive under this section, the employee shall receive parental leave for such additional time without being required to serve an additional waiting period if the parental leave is contiguous to the disability leave.

Sec. 124.1312. (A) As used in this section:

(1) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(2) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(B) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who is a foster caregiver or kinship caregiver is eligible, on placement of a child in the employee's home, to a maximum of five days of caregiver leave with full pay in a calendar year. Caregiver leave eligibility begins on the day on which the

child is placed with the prospective foster caregiver or kinship caregiver.

(C) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day caregiver leave begins shall be used to determine eligibility for leave under this section for part-time employees. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility for leave under this section.

(D) Use of caregiver leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except that caregiver leave shall be included in any leave time provided under that act.

(E) The director of administrative services may adopt rules in accordance with Chapter 119. of the Revised Code governing caregiver leave established under this section.

Sec. 124.152. (A)(1) Except as provided in division (A)(2) of this section, each exempt employee shall be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section.

(2) Each exempt employee who holds a position in the unclassified civil service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1 or schedule E-2 of division (B) of this section, as applicable.

(B)(1) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2018~~ 2021:

Schedule E-1

		Pay Ranges and Step Values							
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Range									
1	Hourly	11.14	11.64	12.13	12.66				
		<u>12.14</u>	<u>12.69</u>	<u>13.21</u>	<u>13.80</u>				
	Annually	23171	24211	25230	26333				
		<u>25251</u>	<u>26395</u>	<u>27476</u>	<u>28704</u>				
2	Hourly	13.51	14.09	14.69	15.34				
		<u>14.73</u>	<u>15.36</u>	<u>16.01</u>	<u>16.72</u>				
	Annually	28101	29307	30555	31907				
		<u>30638</u>	<u>31948</u>	<u>33300</u>	<u>34777</u>				
3	Hourly	14.16	14.79	15.45	16.11				
		<u>15.44</u>	<u>16.13</u>	<u>16.84</u>	<u>17.56</u>				
	Annually	29453	30763	32136	33509				
		<u>32115</u>	<u>33550</u>	<u>35027</u>	<u>36524</u>				

4	Hourly	<u>14.86</u>	<u>15.53</u>	<u>16.28</u>	<u>16.98</u>				
		<u>16.20</u>	<u>16.93</u>	<u>17.75</u>	<u>18.51</u>				
	Annually	<u>30909</u>	<u>32302</u>	<u>33862</u>	<u>35318</u>				
		<u>33696</u>	<u>35214</u>	<u>36920</u>	<u>38500</u>				
5	Hourly	<u>15.59</u>	<u>16.31</u>	<u>16.98</u>	<u>17.73</u>				
		<u>17.00</u>	<u>17.78</u>	<u>18.51</u>	<u>19.33</u>				
	Annually	<u>32427</u>	<u>33925</u>	<u>35318</u>	<u>36878</u>				
		<u>35360</u>	<u>36982</u>	<u>38500</u>	<u>40206</u>				
6	Hourly	<u>16.43</u>	<u>17.12</u>	<u>17.86</u>	<u>18.60</u>				
		<u>17.91</u>	<u>18.66</u>	<u>19.47</u>	<u>20.27</u>				
	Annually	<u>34174</u>	<u>35610</u>	<u>37149</u>	<u>38688</u>				
		<u>37252</u>	<u>38812</u>	<u>40497</u>	<u>42161</u>				
7	Hourly	<u>17.44</u>	<u>18.09</u>	<u>18.84</u>	<u>19.49</u>	<u>20.25</u>			
		<u>19.01</u>	<u>19.72</u>	<u>20.54</u>	<u>21.25</u>	<u>22.07</u>			
	Annually	<u>36275</u>	<u>37627</u>	<u>39187</u>	<u>40539</u>	<u>42120</u>			
		<u>39540</u>	<u>41017</u>	<u>42723</u>	<u>44200</u>	<u>45905</u>			
8	Hourly	<u>18.44</u>	<u>19.27</u>	<u>20.09</u>	<u>20.99</u>	<u>21.99</u>			
		<u>20.11</u>	<u>21.00</u>	<u>21.90</u>	<u>22.89</u>	<u>23.97</u>			
	Annually	<u>38355</u>	<u>40082</u>	<u>41787</u>	<u>43659</u>	<u>45739</u>			
		<u>41828</u>	<u>43680</u>	<u>45552</u>	<u>47611</u>	<u>49857</u>			
9	Hourly	<u>19.68</u>	<u>20.69</u>	<u>21.71</u>	<u>22.80</u>	<u>23.95</u>			
		<u>21.45</u>	<u>22.56</u>	<u>23.67</u>	<u>24.85</u>	<u>26.11</u>			
	Annually	<u>40934</u>	<u>43035</u>	<u>45157</u>	<u>47424</u>	<u>49816</u>			
		<u>44616</u>	<u>46924</u>	<u>49233</u>	<u>51688</u>	<u>54308</u>			
10	Hourly	<u>21.23</u>	<u>22.39</u>	<u>23.59</u>	<u>24.95</u>	<u>26.28</u>			
		<u>23.13</u>	<u>24.41</u>	<u>25.72</u>	<u>27.20</u>	<u>28.64</u>			
	Annually	<u>44158</u>	<u>46571</u>	<u>49067</u>	<u>51896</u>	<u>54662</u>			
		<u>48110</u>	<u>50772</u>	<u>53497</u>	<u>56576</u>	<u>59571</u>			
11	Hourly	<u>23.12</u>	<u>24.46</u>	<u>25.87</u>	<u>27.34</u>	<u>28.89</u>			
		<u>25.20</u>	<u>26.66</u>	<u>28.20</u>	<u>29.80</u>	<u>31.49</u>			
	Annually	<u>48090</u>	<u>50877</u>	<u>53810</u>	<u>58867</u>	<u>60091</u>			
		<u>52416</u>	<u>55452</u>	<u>58656</u>	<u>61984</u>	<u>65499</u>			
12	Hourly	<u>25.50</u>	<u>26.93</u>	<u>28.38</u>	<u>29.95</u>	<u>31.62</u>	<u>33.33</u>	<u>34.70</u>	<u>36.33</u>
		<u>27.80</u>	<u>29.36</u>	<u>30.93</u>	<u>32.64</u>	<u>34.46</u>	<u>36.34</u>	<u>37.82</u>	<u>39.60</u>
	Annually	<u>53040</u>	<u>56014</u>	<u>59030</u>	<u>62296</u>	<u>65770</u>	<u>69326</u>	<u>72176</u>	<u>75566</u>
		<u>57824</u>	<u>61068</u>	<u>64334</u>	<u>67891</u>	<u>71676</u>	<u>75587</u>	<u>78665</u>	<u>82368</u>
13	Hourly	<u>28.11</u>	<u>29.65</u>	<u>31.28</u>	<u>32.94</u>	<u>34.81</u>	<u>36.69</u>	<u>38.19</u>	<u>39.99</u>
		<u>30.64</u>	<u>32.32</u>	<u>34.09</u>	<u>35.92</u>	<u>37.95</u>	<u>39.99</u>	<u>41.63</u>	<u>43.59</u>
	Annually	<u>58469</u>	<u>61672</u>	<u>65062</u>	<u>68515</u>	<u>72405</u>	<u>76315</u>	<u>79435</u>	<u>83179</u>
		<u>63731</u>	<u>67225</u>	<u>70907</u>	<u>74713</u>	<u>78936</u>	<u>83179</u>	<u>86590</u>	<u>90667</u>
14	Hourly	<u>30.91</u>	<u>32.66</u>	<u>34.42</u>	<u>36.29</u>	<u>38.35</u>	<u>40.48</u>	<u>42.15</u>	<u>44.13</u>
		<u>33.69</u>	<u>35.61</u>	<u>37.52</u>	<u>39.56</u>	<u>41.80</u>	<u>44.13</u>	<u>45.95</u>	<u>48.10</u>
	Annually	<u>64293</u>	<u>67933</u>	<u>71594</u>	<u>75483</u>	<u>79768</u>	<u>84198</u>	<u>87672</u>	<u>91790</u>
		<u>70075</u>	<u>74068</u>	<u>78041</u>	<u>82284</u>	<u>86944</u>	<u>91790</u>	<u>95576</u>	<u>100048</u>
15	Hourly	<u>33.96</u>	<u>35.86</u>	<u>37.89</u>	<u>39.97</u>	<u>42.19</u>	<u>44.51</u>	<u>46.33</u>	<u>48.51</u>
		<u>37.02</u>	<u>39.10</u>	<u>41.30</u>	<u>43.57</u>	<u>45.99</u>	<u>48.51</u>	<u>50.50</u>	<u>52.88</u>
	Annually	<u>70637</u>	<u>74589</u>	<u>78811</u>	<u>83138</u>	<u>87755</u>	<u>92581</u>	<u>96366</u>	<u>100901</u>
		<u>77001</u>	<u>81328</u>	<u>85904</u>	<u>90625</u>	<u>95659</u>	<u>100900</u>	<u>105040</u>	<u>109990</u>
16	Hourly	<u>37.44</u>	<u>39.52</u>	<u>41.69</u>	<u>44.03</u>	<u>46.45</u>	<u>49.11</u>	<u>51.12</u>	<u>53.52</u>
		<u>40.81</u>	<u>43.08</u>	<u>45.45</u>	<u>48.00</u>	<u>50.63</u>	<u>53.53</u>	<u>55.73</u>	<u>58.34</u>
	Annually	<u>77875</u>	<u>82202</u>	<u>86715</u>	<u>91582</u>	<u>96616</u>	<u>102149</u>	<u>106330</u>	<u>111322</u>
		<u>84884</u>	<u>89606</u>	<u>94536</u>	<u>99840</u>	<u>105310</u>	<u>111342</u>	<u>115918</u>	<u>121347</u>
17	Hourly	<u>41.25</u>	<u>43.52</u>	<u>45.96</u>	<u>48.50</u>	<u>51.21</u>	<u>54.06</u>		
		<u>44.96</u>	<u>47.44</u>	<u>50.10</u>	<u>52.86</u>	<u>55.83</u>	<u>58.94</u>		

	Annually	85800	90522	95597	100880	106517	112445
		<u>93516</u>	<u>98675</u>	<u>104208</u>	<u>109948</u>	<u>116126</u>	<u>122595</u>
18	Hourly	45.46	47.97	50.68	53.46	56.42	59.57
		<u>49.55</u>	<u>52.29</u>	<u>55.24</u>	<u>58.28</u>	<u>61.50</u>	<u>64.94</u>
	Annually	94557	99778	105414	111197	117354	123906
		<u>103064</u>	<u>108763</u>	<u>114899</u>	<u>121222</u>	<u>127920</u>	<u>135075</u>

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	44.93 <u>48.99</u>
	Annually	33758	93454 <u>101899</u>
42	Hourly	17.89	49.62 <u>54.09</u>
	Annually	37211	103210 <u>112507</u>
43	Hourly	19.70	54.65 <u>59.56</u>
	Annually	40976	113672 <u>123884</u>
44	Hourly	21.73	59.70 <u>65.08</u>
	Annually	45198	124176 <u>135366</u>
45	Hourly	24.01	65.18 <u>71.05</u>
	Annually	49941	135574 <u>147784</u>
46	Hourly	26.43	71.23 <u>77.65</u>
	Annually	54974	148158 <u>161512</u>
47	Hourly	29.14	77.74 <u>84.75</u>
	Annually	60611	161699 <u>176280</u>
48	Hourly	32.14	84.82 <u>92.45</u>
	Annually	66851	176426 <u>192296</u>
49	Hourly	35.44	91.58 <u>99.83</u>
	Annually	73715	190486 <u>207646</u>

(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2019~~ 2022:

Schedule E-1

Pay Ranges and Step Values

Range		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1	Hourly	11.45	11.96	12.46	13.01				
		<u>12.50</u>	<u>13.07</u>	<u>13.61</u>	<u>14.21</u>				
	Annually	23816	24877	25917	27061				
		<u>26000</u>	<u>27185</u>	<u>28308</u>	<u>29556</u>				
2	Hourly	13.88	14.48	15.09	15.76				
		<u>15.17</u>	<u>15.82</u>	<u>16.49</u>	<u>17.22</u>				
	Annually	28870	30118	31387	32781				
		<u>31553</u>	<u>32905</u>	<u>34299</u>	<u>35817</u>				
3	Hourly	14.55	15.20	15.87	16.55				
		<u>15.90</u>	<u>16.61</u>	<u>17.35</u>	<u>18.09</u>				
	Annually	30264	31616	33010	34424				
		<u>33072</u>	<u>34548</u>	<u>36088</u>	<u>37627</u>				
4	Hourly	15.27	15.96	16.73	17.45				
		<u>16.69</u>	<u>17.44</u>	<u>18.28</u>	<u>19.07</u>				
	Annually	31762	33197	34798	36296				
		<u>34715</u>	<u>36275</u>	<u>38022</u>	<u>39665</u>				
5	Hourly	16.02	16.76	17.45	18.22				
		<u>17.51</u>	<u>18.31</u>	<u>19.07</u>	<u>19.91</u>				

	Annually	<u>33322</u>	<u>34861</u>	<u>36296</u>	<u>37898</u>				
		<u>36420</u>	<u>38084</u>	<u>39665</u>	<u>41412</u>				
6	Hourly	<u>16.88</u>	<u>17.59</u>	<u>18.35</u>	<u>19.11</u>				
		<u>18.45</u>	<u>19.22</u>	<u>20.05</u>	<u>20.88</u>				
	Annually	<u>35110</u>	<u>36587</u>	<u>38168</u>	<u>39749</u>				
		<u>38376</u>	<u>39977</u>	<u>41704</u>	<u>43430</u>				
7	Hourly	<u>17.92</u>	<u>18.59</u>	<u>19.36</u>	<u>20.03</u>	<u>20.81</u>			
		<u>19.58</u>	<u>20.31</u>	<u>21.16</u>	<u>21.89</u>	<u>22.73</u>			
	Annually	<u>37274</u>	<u>38667</u>	<u>40269</u>	<u>41662</u>	<u>43285</u>			
		<u>40726</u>	<u>42244</u>	<u>44012</u>	<u>45531</u>	<u>47278</u>			
8	Hourly	<u>18.95</u>	<u>19.80</u>	<u>20.64</u>	<u>21.57</u>	<u>22.59</u>			
		<u>20.71</u>	<u>21.63</u>	<u>22.56</u>	<u>23.58</u>	<u>24.69</u>			
	Annually	<u>39416</u>	<u>41184</u>	<u>42931</u>	<u>44866</u>	<u>46987</u>			
		<u>43076</u>	<u>44990</u>	<u>46924</u>	<u>49046</u>	<u>51355</u>			
9	Hourly	<u>20.22</u>	<u>21.26</u>	<u>22.31</u>	<u>23.43</u>	<u>24.61</u>			
		<u>22.09</u>	<u>23.24</u>	<u>24.38</u>	<u>25.60</u>	<u>26.89</u>			
	Annually	<u>42058</u>	<u>44221</u>	<u>46405</u>	<u>48734</u>	<u>51189</u>			
		<u>45947</u>	<u>48339</u>	<u>50710</u>	<u>53248</u>	<u>55931</u>			
10	Hourly	<u>21.81</u>	<u>23.01</u>	<u>24.24</u>	<u>25.64</u>	<u>27.00</u>			
		<u>23.82</u>	<u>25.14</u>	<u>26.49</u>	<u>28.02</u>	<u>29.50</u>			
	Annually	<u>45365</u>	<u>47861</u>	<u>50419</u>	<u>53331</u>	<u>56160</u>			
		<u>49545</u>	<u>52291</u>	<u>55099</u>	<u>58281</u>	<u>61360</u>			
11	Hourly	<u>23.76</u>	<u>25.13</u>	<u>26.58</u>	<u>28.09</u>	<u>29.68</u>			
		<u>25.96</u>	<u>27.46</u>	<u>29.05</u>	<u>30.69</u>	<u>32.43</u>			
	Annually	<u>49421</u>	<u>52270</u>	<u>55286</u>	<u>58427</u>	<u>61734</u>			
		<u>53996</u>	<u>57116</u>	<u>60424</u>	<u>63835</u>	<u>67454</u>			
12	Hourly	<u>26.20</u>	<u>27.67</u>	<u>29.16</u>	<u>30.77</u>	<u>32.49</u>	<u>34.25</u>	<u>35.65</u>	<u>37.33</u>
		<u>28.63</u>	<u>30.24</u>	<u>31.86</u>	<u>33.62</u>	<u>35.49</u>	<u>37.43</u>	<u>38.95</u>	<u>40.79</u>
	Annually	<u>54496</u>	<u>57554</u>	<u>60653</u>	<u>64002</u>	<u>67579</u>	<u>71240</u>	<u>74152</u>	<u>77646</u>
		<u>59550</u>	<u>62889</u>	<u>66268</u>	<u>69929</u>	<u>73819</u>	<u>77854</u>	<u>81016</u>	<u>84843</u>
13	Hourly	<u>28.88</u>	<u>30.47</u>	<u>32.14</u>	<u>33.85</u>	<u>35.77</u>	<u>37.70</u>	<u>39.24</u>	<u>41.09</u>
		<u>31.56</u>	<u>33.29</u>	<u>35.11</u>	<u>37.00</u>	<u>39.09</u>	<u>41.19</u>	<u>42.88</u>	<u>44.90</u>
	Annually	<u>60070</u>	<u>63378</u>	<u>66851</u>	<u>70408</u>	<u>74402</u>	<u>78416</u>	<u>81619</u>	<u>85467</u>
		<u>65644</u>	<u>69243</u>	<u>73028</u>	<u>76960</u>	<u>81307</u>	<u>85675</u>	<u>89190</u>	<u>93392</u>
14	Hourly	<u>31.76</u>	<u>33.56</u>	<u>35.37</u>	<u>37.29</u>	<u>39.40</u>	<u>41.59</u>	<u>43.31</u>	<u>45.34</u>
		<u>34.70</u>	<u>36.68</u>	<u>38.65</u>	<u>40.75</u>	<u>43.05</u>	<u>45.45</u>	<u>47.33</u>	<u>49.54</u>
	Annually	<u>66061</u>	<u>69805</u>	<u>73570</u>	<u>77563</u>	<u>81952</u>	<u>86507</u>	<u>90085</u>	<u>94307</u>
		<u>72176</u>	<u>76294</u>	<u>80392</u>	<u>84760</u>	<u>89544</u>	<u>94536</u>	<u>98446</u>	<u>103043</u>
15	Hourly	<u>34.89</u>	<u>36.85</u>	<u>38.93</u>	<u>41.07</u>	<u>43.35</u>	<u>45.73</u>	<u>47.60</u>	<u>49.84</u>
		<u>38.13</u>	<u>40.27</u>	<u>42.54</u>	<u>44.88</u>	<u>47.37</u>	<u>49.97</u>	<u>52.02</u>	<u>54.47</u>
	Annually	<u>72571</u>	<u>76648</u>	<u>80974</u>	<u>85426</u>	<u>90168</u>	<u>95118</u>	<u>99008</u>	<u>103667</u>
		<u>79310</u>	<u>83761</u>	<u>88483</u>	<u>93350</u>	<u>98529</u>	<u>103937</u>	<u>108201</u>	<u>113297</u>
16	Hourly	<u>38.47</u>	<u>40.61</u>	<u>42.84</u>	<u>45.24</u>	<u>47.73</u>	<u>50.46</u>	<u>52.53</u>	<u>54.99</u>
		<u>42.03</u>	<u>44.37</u>	<u>46.81</u>	<u>49.44</u>	<u>52.15</u>	<u>55.14</u>	<u>57.40</u>	<u>60.09</u>
	Annually	<u>80018</u>	<u>84469</u>	<u>89107</u>	<u>94099</u>	<u>99278</u>	<u>104957</u>	<u>109262</u>	<u>114379</u>
		<u>87422</u>	<u>92289</u>	<u>97364</u>	<u>102835</u>	<u>108472</u>	<u>114691</u>	<u>119392</u>	<u>124987</u>
17	Hourly	<u>42.38</u>	<u>44.72</u>	<u>47.22</u>	<u>49.83</u>	<u>52.62</u>	<u>55.55</u>		
		<u>46.31</u>	<u>48.86</u>	<u>51.60</u>	<u>54.45</u>	<u>57.50</u>	<u>60.71</u>		
	Annually	<u>88150</u>	<u>93018</u>	<u>98218</u>	<u>103646</u>	<u>109450</u>	<u>115544</u>		
		<u>96324</u>	<u>101628</u>	<u>107328</u>	<u>113256</u>	<u>119600</u>	<u>126276</u>		
18	Hourly	<u>46.71</u>	<u>49.29</u>	<u>52.07</u>	<u>54.93</u>	<u>57.97</u>	<u>61.21</u>		
		<u>51.04</u>	<u>53.86</u>	<u>56.90</u>	<u>60.03</u>	<u>63.35</u>	<u>66.89</u>		
	Annually	<u>97157</u>	<u>102523</u>	<u>108306</u>	<u>114254</u>	<u>120578</u>	<u>127317</u>		
		<u>106163</u>	<u>112028</u>	<u>118352</u>	<u>124862</u>	<u>131768</u>	<u>139131</u>		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	46.17 <u>50.46</u>
	Annually	33758	96034 <u>104956</u>
42	Hourly	17.89	50.98 <u>55.71</u>
	Annually	37211	106038 <u>115876</u>
43	Hourly	19.70	56.15 <u>61.35</u>
	Annually	40976	116792 <u>127608</u>
44	Hourly	21.73	61.34 <u>67.03</u>
	Annually	45198	127587 <u>139422</u>
45	Hourly	24.01	66.97 <u>73.18</u>
	Annually	49941	139298 <u>152214</u>
46	Hourly	26.43	73.19 <u>79.98</u>
	Annually	54974	152235 <u>166358</u>
47	Hourly	29.14	79.88 <u>87.29</u>
	Annually	60611	166150 <u>181563</u>
48	Hourly	32.14	87.15 <u>95.22</u>
	Annually	66851	181272 <u>198057</u>
49	Hourly	35.44	94.10 <u>102.82</u>
	Annually	73715	195728 <u>213865</u>

(3) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2020~~ 2023:

Schedule E-1

Pay Ranges and Step Values

Range		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1	Hourly	11.79 <u>12.88</u>	12.32 <u>13.46</u>	12.83 <u>14.02</u>	13.40 <u>14.64</u>				
	Annually	24523 <u>26790</u>	25626 <u>27996</u>	26686 <u>29161</u>	27872 <u>30451</u>				
2	Hourly	14.30 <u>15.63</u>	14.91 <u>16.29</u>	15.54 <u>16.98</u>	16.23 <u>17.74</u>				
	Annually	29744 <u>32510</u>	31013 <u>33883</u>	32323 <u>35318</u>	33758 <u>36899</u>				
3	Hourly	14.99 <u>16.38</u>	15.66 <u>17.11</u>	16.35 <u>17.87</u>	17.05 <u>18.63</u>				
	Annually	31179 <u>34070</u>	32573 <u>35588</u>	34008 <u>37169</u>	35464 <u>38750</u>				
4	Hourly	15.73 <u>17.19</u>	16.44 <u>17.96</u>	17.23 <u>18.83</u>	17.97 <u>19.64</u>				
	Annually	32718 <u>35755</u>	34195 <u>37356</u>	35838 <u>39166</u>	37378 <u>40851</u>				
5	Hourly	16.50 <u>18.04</u>	17.26 <u>18.86</u>	17.97 <u>19.64</u>	18.77 <u>20.51</u>				
	Annually	34320 <u>37523</u>	35901 <u>39228</u>	37378 <u>40851</u>	39042 <u>42660</u>				
6	Hourly	17.39 <u>19.00</u>	18.12 <u>19.80</u>	18.90 <u>20.65</u>	19.68 <u>21.51</u>				
	Annually	36171 <u>39520</u>	37690 <u>41184</u>	39312 <u>42952</u>	40934 <u>44740</u>				

7	Hourly	<u>18.46</u>	<u>19.15</u>	<u>19.94</u>	<u>20.63</u>	<u>21.43</u>			
		<u>20.17</u>	<u>20.92</u>	<u>21.79</u>	<u>22.55</u>	<u>23.41</u>			
	Annually	<u>38397</u>	<u>39832</u>	<u>41475</u>	<u>42910</u>	<u>44574</u>			
		<u>41953</u>	<u>43513</u>	<u>45323</u>	<u>46904</u>	<u>48692</u>			
8	Hourly	<u>19.52</u>	<u>20.39</u>	<u>21.26</u>	<u>22.22</u>	<u>23.27</u>			
		<u>21.33</u>	<u>22.28</u>	<u>23.24</u>	<u>24.29</u>	<u>25.43</u>			
	Annually	<u>40602</u>	<u>42411</u>	<u>44221</u>	<u>46218</u>	<u>48402</u>			
		<u>44366</u>	<u>46342</u>	<u>48339</u>	<u>50523</u>	<u>52894</u>			
9	Hourly	<u>20.83</u>	<u>21.90</u>	<u>22.98</u>	<u>24.13</u>	<u>25.35</u>			
		<u>22.75</u>	<u>23.94</u>	<u>25.11</u>	<u>26.37</u>	<u>27.70</u>			
	Annually	<u>43326</u>	<u>45552</u>	<u>47798</u>	<u>50190</u>	<u>52728</u>			
		<u>47320</u>	<u>49795</u>	<u>52228</u>	<u>54849</u>	<u>57616</u>			
10	Hourly	<u>22.46</u>	<u>23.70</u>	<u>24.97</u>	<u>26.41</u>	<u>27.81</u>			
		<u>24.53</u>	<u>25.89</u>	<u>27.28</u>	<u>28.86</u>	<u>30.39</u>			
	Annually	<u>46717</u>	<u>49296</u>	<u>51938</u>	<u>54933</u>	<u>57845</u>			
		<u>51022</u>	<u>53851</u>	<u>56742</u>	<u>60028</u>	<u>63211</u>			
11	Hourly	<u>24.47</u>	<u>25.88</u>	<u>27.38</u>	<u>28.93</u>	<u>30.57</u>			
		<u>26.74</u>	<u>28.28</u>	<u>29.92</u>	<u>31.61</u>	<u>33.40</u>			
	Annually	<u>50898</u>	<u>53830</u>	<u>56950</u>	<u>60174</u>	<u>63586</u>			
		<u>55619</u>	<u>58822</u>	<u>62233</u>	<u>65748</u>	<u>69472</u>			
12	Hourly	<u>26.99</u>	<u>28.50</u>	<u>30.03</u>	<u>31.69</u>	<u>33.46</u>	<u>35.28</u>	<u>36.72</u>	<u>38.45</u>
		<u>29.49</u>	<u>31.15</u>	<u>32.82</u>	<u>34.63</u>	<u>36.55</u>	<u>38.55</u>	<u>40.12</u>	<u>42.01</u>
	Annually	<u>56139</u>	<u>59280</u>	<u>62462</u>	<u>65915</u>	<u>69597</u>	<u>73382</u>	<u>76378</u>	<u>79976</u>
		<u>61339</u>	<u>64792</u>	<u>68265</u>	<u>72030</u>	<u>76024</u>	<u>80184</u>	<u>83449</u>	<u>87380</u>
13	Hourly	<u>29.75</u>	<u>31.38</u>	<u>33.10</u>	<u>34.87</u>	<u>36.84</u>	<u>38.83</u>	<u>40.42</u>	<u>42.32</u>
		<u>32.51</u>	<u>34.29</u>	<u>36.16</u>	<u>38.11</u>	<u>40.26</u>	<u>42.43</u>	<u>44.17</u>	<u>46.25</u>
	Annually	<u>61880</u>	<u>65270</u>	<u>68848</u>	<u>72530</u>	<u>76627</u>	<u>80766</u>	<u>84074</u>	<u>88026</u>
		<u>67620</u>	<u>71323</u>	<u>75212</u>	<u>79268</u>	<u>83740</u>	<u>88254</u>	<u>91873</u>	<u>96200</u>
14	Hourly	<u>32.71</u>	<u>34.57</u>	<u>36.43</u>	<u>38.41</u>	<u>40.58</u>	<u>42.84</u>	<u>44.61</u>	<u>46.70</u>
		<u>35.74</u>	<u>37.78</u>	<u>39.81</u>	<u>41.97</u>	<u>44.34</u>	<u>46.81</u>	<u>48.75</u>	<u>51.03</u>
	Annually	<u>68037</u>	<u>71906</u>	<u>75774</u>	<u>79893</u>	<u>84406</u>	<u>89107</u>	<u>92789</u>	<u>97136</u>
		<u>74339</u>	<u>78582</u>	<u>82804</u>	<u>87297</u>	<u>92227</u>	<u>97364</u>	<u>101400</u>	<u>106142</u>
15	Hourly	<u>35.94</u>	<u>37.96</u>	<u>40.10</u>	<u>42.30</u>	<u>44.65</u>	<u>47.10</u>	<u>49.03</u>	<u>51.34</u>
		<u>39.27</u>	<u>41.48</u>	<u>43.82</u>	<u>46.23</u>	<u>48.79</u>	<u>51.47</u>	<u>53.58</u>	<u>56.10</u>
	Annually	<u>74755</u>	<u>78957</u>	<u>83408</u>	<u>87984</u>	<u>92872</u>	<u>97968</u>	<u>101982</u>	<u>106787</u>
		<u>81681</u>	<u>86278</u>	<u>91145</u>	<u>96158</u>	<u>101483</u>	<u>107057</u>	<u>111446</u>	<u>116688</u>
16	Hourly	<u>39.62</u>	<u>41.83</u>	<u>44.13</u>	<u>46.60</u>	<u>49.16</u>	<u>51.97</u>	<u>54.11</u>	<u>56.64</u>
		<u>43.29</u>	<u>45.70</u>	<u>48.21</u>	<u>50.92</u>	<u>53.71</u>	<u>56.79</u>	<u>59.12</u>	<u>61.89</u>
	Annually	<u>82410</u>	<u>87006</u>	<u>91790</u>	<u>96928</u>	<u>102253</u>	<u>108098</u>	<u>112549</u>	<u>117811</u>
		<u>90043</u>	<u>95056</u>	<u>100276</u>	<u>105913</u>	<u>111716</u>	<u>118123</u>	<u>122969</u>	<u>128731</u>
17	Hourly	<u>43.65</u>	<u>46.06</u>	<u>48.64</u>	<u>51.32</u>	<u>54.20</u>	<u>57.22</u>		
		<u>47.70</u>	<u>50.33</u>	<u>53.15</u>	<u>56.08</u>	<u>59.23</u>	<u>62.53</u>		
	Annually	<u>90792</u>	<u>95805</u>	<u>101171</u>	<u>106746</u>	<u>112736</u>	<u>119018</u>		
		<u>99216</u>	<u>104686</u>	<u>110552</u>	<u>116646</u>	<u>123198</u>	<u>130062</u>		
18	Hourly	<u>48.11</u>	<u>50.77</u>	<u>53.63</u>	<u>56.58</u>	<u>59.71</u>	<u>63.05</u>		
		<u>52.57</u>	<u>55.48</u>	<u>58.61</u>	<u>61.83</u>	<u>65.25</u>	<u>68.90</u>		
	Annually	<u>100069</u>	<u>105602</u>	<u>111550</u>	<u>117686</u>	<u>124197</u>	<u>131144</u>		
		<u>109345</u>	<u>115398</u>	<u>121908</u>	<u>128606</u>	<u>135720</u>	<u>143312</u>		

Schedule E-2

Range		Minimum	Maximum
41	Hourly	16.23	<u>47.56</u> <u>51.97</u>
	Annually	33758	<u>98925</u> <u>108097</u>
42	Hourly	17.89	<u>52.51</u> <u>57.38</u>
	Annually	37211	<u>109221</u> <u>119350</u>

43	Hourly	19.70	57.83 <u>63.19</u>
	Annually	40976	120286 <u>131435</u>
44	Hourly	21.73	63.18 <u>69.04</u>
	Annually	45198	131414 <u>143603</u>
45	Hourly	24.01	68.98 <u>75.38</u>
	Annually	49941	143478 <u>156790</u>
46	Hourly	26.43	75.39 <u>82.38</u>
	Annually	54974	156811 <u>171350</u>
47	Hourly	29.14	82.28 <u>89.91</u>
	Annually	60611	171142 <u>187012</u>
48	Hourly	32.14	89.76 <u>98.08</u>
	Annually	66851	186701 <u>204006</u>
49	Hourly	35.44	96.92 <u>105.90</u>
	Annually	73715	201594 <u>220272</u>

(C) As used in this section:

(1) "Exempt employee" means a permanent full-time or permanent part-time employee paid directly by warrant of the director of budget and management whose position is included in the job classification plan established under division (A) of section 124.14 of the Revised Code but who is not considered a public employee for the purposes of Chapter 4117. of the Revised Code. "Exempt employee" also includes a permanent full-time or permanent part-time employee of the secretary of state, auditor of state, treasurer of state, or attorney general who has not been placed in an appropriate bargaining unit by the state employment relations board.

(2) "Base rate of pay" means the rate of pay established under schedule E-1 of this section, plus the supplement provided under division (E) of section 124.181 of the Revised Code, plus any supplements enacted into law that are added to schedule E-1 of this section.

Sec. 124.19. (A) State holidays shall be the first day of January, the third Monday in January, the third Monday in February, the day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day, the nineteenth day of June, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and any day appointed and recommended by the governor of this state or the president of the United States. Employees shall be paid for these holidays as specified in section 124.18 of the Revised Code.

(B) The board of trustees of a community college, technical college, state community college, or state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code may, for all employees of the college or university, observe on days other than those specified in division (A) of this section any of the holidays otherwise observed on the third Monday in January, the third Monday in February, and the second Monday

in October.

Sec. 125.02. (A) The department of administrative services shall establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, and may establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:

- (1) The adjutant general for military supplies and services;
- (2) The general assembly;
- (3) The judicial branch;
- (4) State institutions of higher education;
- (5) State elected officials as set forth in section 125.041 of the Revised Code;
- (6) The capitol square review and advisory board.

The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.

(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase.

(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services.

(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work.

(E) The director may ~~enter into~~ participate in cooperative purchasing agreements to purchase supplies or services with the following:

- (1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of this section;
- (2) One or more other states;
- (3) Groups of states;
- (4) The United States or any department, division, or agency of the United States;

(5) Other purchasing consortia;

(6) The department of transportation; or

(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code.

(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services.

(G) Except as provided in section 125.04 of the Revised Code, the department of administrative services shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may procure. The department shall purchase the insurance in conformity with sections 125.04 to 125.15 of the Revised Code. As used in this division, "annual premium" means the total premium for one year for one type of insurance regardless of the number of policies.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; and

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code.

(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite

procurement programs are unable to do so:

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;

(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;

(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;

(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.

(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:

(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;

(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or

(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section.

(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the

purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency.

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division (E) of section 125.05, and section 127.16 of the Revised Code.

(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee.

Sec. 125.04. (A) Except for the requirements of division (B) of this section, section 125.092, and division (B) of section 125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not apply to or affect state institutions of higher education.

(B)(1) As used in this division:

(a) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code.

(b) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(c) "Governmental agency" means a political subdivision or special district in this state or any other state established by or under law, or any combination of these entities; the United States or any department, division, or agency of the United States; one or more other states or groups of states; other purchasing consortia; and any agency, commission, or authority established under an interstate compact or agreement.

(d) "Political subdivision" means any county, township, municipal corporation, school district, conservancy district, township park district, park district created under Chapter 1545. of the Revised Code, regional

transit authority, regional airport authority, regional water and sewer district, or port authority. "Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.

(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, ~~county board of elections~~, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. ~~A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program.~~ A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with the department a written request for inclusion in the program signed by the chief officer of the company, organization, or chartered nonpublic school. A governmental agency desiring to participate in such purchase contracts shall file with the department a written request for inclusion in the program. A state institution of higher education desiring to participate in such purchase contracts shall file with the department a certified copy of resolution of the board of trustees or similar authorizing body. The resolution shall request that the state institution of higher education be authorized to participate in such contracts.

A request for inclusion shall include an agreement to be bound by such

terms and conditions as the department prescribes and to make direct payments to the vendor under each purchase contract.

(3) The board of elections of a county that is authorized to participate in contracts under division (B)(2) of this section may participate in contracts under that division under the same terms and conditions that apply to the county.

(4) The department shall include in its annual report, an estimate of the purchases made by state institutions of higher education, governmental agencies, political subdivisions, ~~county~~ boards of elections, private fire companies, private, nonprofit emergency medical service organizations, and chartered nonpublic schools from contracts pursuant to this division. The department may require such entities to file a report with the department, as often as it finds necessary, stating how many such contracts the entities participated in within a specified period of time, and any other information the department requires.

~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ board of elections under this division are exempt from any competitive selection procedures otherwise required by law. No political subdivision shall make any purchase under this division when bids have been received for such purchase by the subdivision, unless such purchase can be made upon the same terms, conditions, and specifications at a lower price under ~~this~~ division (B)(2) of this section.

(C) A political subdivision as defined in division (B) of this section or a ~~county~~ board of elections may purchase supplies or services from another party, including a political subdivision, instead of through participation in contracts described in division (B) of this section if the political subdivision or ~~county~~ board of elections can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision or ~~county~~ board of elections makes under this division are exempt from any competitive selection procedures otherwise required by law. A political subdivision or ~~county~~ board of elections that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that the political subdivision or ~~county~~ board of elections satisfied the conditions for making a purchase under this division. Nothing in this division restricts any action taken by a county or township as authorized by division (B)(1) of section 9.48 of the Revised Code.

(D) This section does not apply to supplies or services purchased by a state agency directly as provided in section 125.05 of the Revised Code, or to purchases of supplies or services for the emergency management agency

or other state agencies as provided in section 125.061 of the Revised Code.

Sec. 125.05. Except as provided in division (D) or (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section.

(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver under ~~divisions~~ division (D) or (E) of that section and a release and permit under division (G) of that section.

(C) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

- (1) Be exceeded and the controlling board approves the purchase;
- (2) Not be exceeded and the department of administrative services approves the purchase.

(D) If the department of education or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the department or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section.

(E) When the purchase cost of personal protective equipment is less than fifty thousand dollars, a state agency shall comply with divisions (A) to (E) of section 125.035 of the Revised Code. If the purchase is not subject to the requirements of an applicable first or second requisite procurement program, the agency shall apply the same preferences in section 125.09 of

the Revised Code when making the purchase. As used in this division, "personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.

Sec. 125.08. ~~(A)~~ Any person who is certified by the ~~equal employment opportunity coordinator of the department~~ director of administrative services development in accordance with the rules adopted under division (B)(1) of section ~~123.151~~122.921 of the Revised Code as a minority business enterprise may have that person's name placed on a special minority business enterprise notification list to be used in connection with contracts awarded under section 125.081 of the Revised Code. The minority business enterprise notification list shall be used for bidding on contracts set aside for minority business enterprises only.

Sec. 125.081. (A) From the purchases that the department of administrative services is required by law to make through competitive selection, the director of administrative services shall select a number of such purchases, the aggregate value of which equals approximately fifteen per cent of the estimated total value of all such purchases to be made in the current fiscal year. The director shall set aside the purchases selected for competition only by minority business enterprises, as defined in division (E)(1) of section 122.71 of the Revised Code. The competitive selection procedures for such purchases set aside shall be the same as for all other purchases the department is required to make through competitive selection, except that only minority business enterprises certified by the ~~equal employment opportunity coordinator of the department~~ director of administrative services development in accordance with the rules adopted under division (B)(1) of section ~~123.151~~122.921 of the Revised Code and listed ~~by the director~~ under section 125.08 of the Revised Code shall be qualified to compete.

(B) To the extent that any agency of the state, other than the department of administrative services, the legislative and judicial branches, boards of elections, and the adjutant general, is authorized to make purchases, the agency shall set aside a number of purchases, the aggregate value of which equals approximately fifteen per cent of the aggregate value of such purchases for the current fiscal year for competition by minority business enterprises only. The procedures for such purchases shall be the same as for all other such purchases made by the agency, except that only minority business enterprises certified by the ~~equal employment opportunity coordinator~~ director of development in accordance with rules adopted under division (B)(1) of section 123.151 of the Revised Code shall be qualified to compete.

(C) In the case of purchases set aside under division (A) or (B) of this section, if no bid is submitted by a minority business enterprise, the purchase shall be made according to usual procedures. The contracting agency shall from time to time set aside such additional purchases for which only minority business enterprises may compete, as are necessary to replace those purchases previously set aside for which no minority business enterprises bid and to ensure that, in any fiscal year, the aggregate amount of contracts awarded to minority business enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the ~~equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly~~ that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the products, supplies, or services listed in such notice. Those bidders and offerors claiming the preference ~~for United States and Ohio products~~ outlined in this chapter shall designate in their ~~bids~~ bid or offer either that the product ~~to be supplied or supply~~ is produced or mined in the United States and is either an Ohio product or that the product, supply, or service is provided by a bidder or offeror that qualifies as having a significant Ohio economic presence under the rules established by the director of administrative services ~~they qualify as having a significant Ohio~~

~~economic presence.~~

(B) The department may require that each bidder or offeror provide sufficient information about the energy efficiency or energy usage of the bidder's or offeror's product, supply, or service.

(C) The director of administrative services shall, by rule adopted pursuant to Chapter 119. of the Revised Code, prescribe criteria and procedures for use by all state agencies in giving preference ~~to United States and Ohio products~~ under this section as required by division (B) of section 125.11 of the Revised Code. The rules shall extend to:

(1) Criteria for determining that a product is produced or mined in the United States rather than in another country or territory;

(2) Criteria for determining that a product is produced or mined in Ohio;

(3) Information to be submitted by bidders or offerors as to the nature of a product and the location where it is produced or mined;

(4) Criteria and procedures to be used by the director to qualify bidders or offerors located in states bordering Ohio who might otherwise be excluded from being awarded a contract by operation of this section and section 125.11 of the Revised Code. The criteria and procedures shall recognize the level and regularity of interstate commerce between Ohio and the border states and provide that the non-Ohio businesses may qualify for award of a contract as long as they are located in a state that imposes no greater restrictions than are contained in this section and section 125.11 of the Revised Code upon persons located in Ohio selling products or services to agencies of that state. The criteria and procedures shall also provide that a non-Ohio business shall not bid on a contract for state printing in this state if the business is located in a state that excludes Ohio businesses from bidding on state printing contracts in that state.

(5) Criteria and procedures to be used to qualify bidders and offerors whose manufactured products, except for mined products, are produced in other states or in North America, but the bidders or offerors have a significant Ohio economic presence in terms of the number of employees or capital investment a bidder or offeror has in this state. Bidders and offerors with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their products were produced in this state or as if the bidder or offeror was domiciled in this state.

(6) Criteria and procedures for the director to grant waivers of the requirements of division (B) of section 125.11 of the Revised Code on a contract-by-contract basis where compliance with those requirements would result in the state agency paying an excessive price for the product or acquiring a disproportionately inferior product;

(7) Such other requirements or procedures reasonably necessary to implement the system of preferences established pursuant to division (B) of section 125.11 of the Revised Code.

In adopting the rules required under this division, the director shall, to the maximum extent possible, conform to the requirements of the federal "Buy America Act," 47 Stat. 1520, (1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations adopted thereunder.

Sec. 125.111. (A) Every contract for or on behalf of the state or any of its political subdivisions for any purchase shall contain provisions similar to those required by section 153.59 of the Revised Code in the case of construction contracts by which the contractor agrees to both of the following:

(1) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor or subcontractor, by reason of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the contract relates;

(2) That no contractor, subcontractor, or person acting on behalf of any contractor or subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under the contract on account of race, color, religion, sex, age, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

(B) All contractors from whom the state or any of its political subdivisions make purchases shall have a written affirmative action program for the employment and effective utilization of economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code. Annually, each such contractor shall file a description of the affirmative action program and a progress report on its implementation with the ~~equal employment opportunity office of the department of administrative services~~ development.

Sec. 125.112. (A) As used in this section:

(1) "Agency" means a department created under section 121.02 of the Revised Code.

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

(3)(a) "State award" means a contract awarded by the state costing over

twenty-five thousand dollars.

(b) "State award" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.

(B) The department of administrative services shall establish and maintain a single searchable web site, accessible by the public at no cost, that includes all of the following information for each state award:

- (1) The name of the entity receiving the award;
- (2) The amount of the award;
- (3) Information on the award, the agency or other instrumentality of the state that is providing the award, and the commodity code;
- (4) Any other relevant information determined by the department of administrative services.

(C) The department of administrative services may consult with other state agencies in the development, establishment, operation, and support of the web site required by division (B) of this section. State awards shall be posted on the web site within thirty days after being made. The department of administrative services shall provide an opportunity for public comment as to the utility of the web site required by division (B) of this section and any suggested improvements.

(D) The web site required by division (B) of this section shall be fully operational not later than one year after December 30, 2008, and shall include information on state awards made in fiscal year 2008 and thereafter. It shall also provide an electronic link to the daily journals of the senate and house of representatives.

(E) The director of administrative services shall submit to the general assembly an annual report regarding the implementation of the web site established pursuant to division (B) of this section. The report shall include data regarding the usage of the web site and any public comments on the utility of the site, including recommendations for improving data quality and collection. The director shall post each report on the web site.

(F) Each agency awarding a grant to an entity in fiscal year 2008 and thereafter shall establish and maintain a separate web site listing the name of the entity receiving each grant, the grant amount, information on each grant, and any other relevant information determined by the department of administrative services. Each agency shall provide the link to such a web site to the department of administrative services within a reasonable time after December 30, 2008, and shall thereafter update its web site within

thirty days of awarding a new grant. Not later than one year after December 30, 2008, the department of administrative services shall establish and maintain a separate web site, accessible to the public at no cost, which contains the links to the agency web sites required by this division.

~~(G) At the end of the closeout year, the attorney general shall determine the extent to which an entity has complied with the terms and conditions, including performance metrics, of a state award for economic development received by that entity. As necessary, the agency that makes and administers the state award for economic development shall assist the attorney general with that determination. The attorney general shall submit to the general assembly pursuant to section 101.68 of the Revised Code an annual report regarding the level of compliance of each such entity with the terms and conditions, including performance metrics, of their state awards for economic development. When the attorney general determines appropriate and to the extent that an entity that receives or has received a state award for economic development does not comply with a performance metric that is specified in the terms and conditions of the award, the attorney general shall pursue against and from that entity such remedies and recoveries as are available under law. For purposes of this division, "Closeout year" means the calendar year by which an entity that receives a state award for economic development must comply with a performance metric specified in the terms and conditions of the award. "State award for economic development" means state financial assistance and expenditure in any of the following forms: grants, subgrants, loans, awards, cooperative agreements, or other similar and related forms of financial assistance and contracts, subcontracts, purchase orders, task orders, delivery orders, or other similar and related transactions. "State award for economic development" does not include compensation received as an employee of the state or any state financial assistance and expenditure received from the general assembly or any legislative agency, any court or judicial agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.~~

~~(H) Nothing in this section shall be construed as requiring the disclosure of information that is not a public record under section 149.43 of the Revised Code.~~

Sec. 125.14. (A) The director of administrative services shall allocate any proceeds from the transfer, sale, or lease of excess and surplus supplies in the following manner:

(1) Except as otherwise provided in division (A)(2) or (3) of this section, the proceeds of such a transfer, sale, or lease shall be paid into the

state treasury to the credit of the investment recovery fund, which is hereby created.

(2) Except as otherwise provided in division (A)(2) of this section, when supplies originally were purchased with funds from nongeneral revenue fund sources, the director shall determine what fund or account originally was used to purchase the supplies, and the credit for the proceeds from any transfer, sale, or lease of those supplies shall be transferred to that fund or account. If the director cannot determine which fund or account originally was used to purchase the supplies, if the fund or account is no longer active, or if the proceeds from the transfer, sale, or lease of a unit of supplies are less than one hundred dollars or any larger amount the director may establish with the approval of the director of budget and management, then the proceeds from the transfer, sale, or lease of such supplies shall be paid into the state treasury to the credit of the investment recovery fund.

(3) In accordance with division (H)(2) of section 125.832 of the Revised Code, when vehicles originally were purchased with moneys derived from the general revenue fund, the proceeds shall be deposited, in the director's discretion, into the state treasury to the credit of either the fleet management fund created by section 125.83 of the Revised Code or to the credit of the investment recovery fund created by this section. Any such proceeds deposited into the state treasury to the credit of the investment recovery fund may be transferred from the investment recovery fund to the fleet management fund.

(B) The investment recovery fund shall be used to pay for the operating expenses of the state surplus property program and of the federal surplus property program described in sections 125.84 to 125.90 of the Revised Code. Any amounts in excess of these operating expenses shall periodically be transferred to the general revenue fund of the state. If proceeds paid into the investment recovery fund are insufficient to pay for the program's operating expenses, a service fee may be charged to state agencies to eliminate the deficit.

(C) Proceeds from the sale of recyclable goods and materials shall be paid into the state treasury to the credit of the recycled materials fund, which is hereby created, except that the director of environmental protection, upon request, may grant an exemption from this requirement. The director shall administer the fund for the benefit of recycling programs in state agencies.

Sec. 125.18. (A) There is hereby established the office of information technology within the department of administrative services. The office shall be under the supervision of a state chief information officer to be appointed by the director of administrative services and subject to removal

at the pleasure of the director. The chief information officer is an assistant director of administrative services.

(B) Under the direction of the director of administrative services, the state chief information officer shall lead, oversee, and direct state agency activities related to information technology development and use. In that regard, the state chief information officer shall do all of the following:

(1) Coordinate and superintend statewide efforts to promote common use and development of technology by state agencies. The office of information technology shall establish policies and standards that govern and direct state agency participation in statewide programs and initiatives.

(2) Coordinate with the office of procurement services to establish policies and standards for state agency acquisition of information technology supplies and services;

(3) Establish policies and standards for the ~~acquisition and~~ use of common information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, and the extension of the service life of information technology systems, with which state agencies shall comply;

~~(3)~~(4) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;

~~(4)~~(5) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;

~~(5)~~(6) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division ~~(B)(4)~~ (B)(5) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;

~~(6)~~(7) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;

~~(7)~~(8) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;

~~(8)~~(9) Establish policies for the reduction of printing and for the increased use of electronic records by state agencies;

~~(9)~~(10) Establish policies for the reduction of energy consumption by state agencies;

~~(10)~~(11) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems from information technology service delivery and major information technology purchases, MARCS administration, enterprise applications, and the professions licensing system operating appropriation items and major computer purchases capital appropriation items that is recovered as part of the information technology services rates the department of administrative services charges and deposits into the information technology fund created in section 125.15 of the Revised Code, the user fees the department of administrative services charges and deposits in the MARCS administration fund created in section 4501.29 of the Revised Code, the rates the department of administrative services charges to benefiting agencies for the operation and management of information technology applications and deposits in the enterprise applications fund, and the rates the department of administrative services charges for the cost of ongoing maintenance of the professions licensing system and deposits in the professions licensing system fund. The enterprise applications fund is hereby created in the state treasury.

~~(11)~~(12) Regularly review and make recommendations regarding improving the infrastructure of the state's cybersecurity operations with existing resources and through partnerships between government, business, and institutions of higher education;

~~(12)~~(13) Assist, as needed, with general state efforts to grow the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the state chief information officer. The chief information security officer may require that each state agency update its information technology security strategic plan annually as determined by the state chief information officer.

(2) Prior to the implementation of any information technology data system, a state agency shall prepare or have prepared a privacy impact statement for that system.

(D) When a state agency requests a purchase of information technology supplies or services under Chapter 125. of the Revised Code, the state chief information officer may review and reject the requested purchase for

noncompliance with information technology direction, plans, policies, standards, or project-alignment criteria.

(E) The office of information technology may operate technology services for state agencies in accordance with this chapter.

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies. Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the professions licensing system fund created in division ~~(H)~~ (H) of this section.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the director of administrative services, the director of budget and management, and the participating government entities that will receive the procured technology.

If the director of administrative services chooses to recover the program costs through intrastate transfer voucher billings, the participating government entities shall process the intrastate transfer vouchers to pay for the cost. Amounts received under this section for the information technology purchase program shall be deposited to the credit of the information technology governance fund created in section 125.15 of the Revised Code.

(H) Upon request from the director of administrative services, the director of budget and management may transfer cash from the information technology fund created in section 125.15 of the Revised Code, the MARCS administration fund created in section 4501.29 of the Revised Code, the enterprise applications fund created in division ~~(B)(10)~~ (B)(11) of this section, or the professions licensing system fund created in division (I) of this section to the major information technology purchases fund in an amount not to exceed the amount computed under division ~~(B)(10)~~ (B)(11) of this section. The major information technology purchases fund is hereby created in the state treasury.

(I) There is hereby created in the state treasury the professions licensing system fund. The fund shall be used to operate the electronic licensing system referenced in division (E) of this section.

(J) As used in this section:

(1) "Personal information" has the same meaning as in section 149.45 of the Revised Code.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, other than any state-supported institution of higher education, the office of the auditor of state, treasurer of state, secretary of state, or attorney general, the adjutant general's department, the bureau of workers' compensation, the industrial commission, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, the state highway patrol retirement system, the general assembly or any legislative agency, the capitol square review advisory board, or the courts or any judicial agency.

Sec. 125.65. (A) As used in this section, "small business" has the same meaning as in section 107.63 of the Revised Code.

(B) The LeanOhio office in the department of administrative services shall establish and operate an entrepreneur in residence pilot program. The mission of the entrepreneur in residence pilot program is to provide for better outreach by state government to small businesses, to strengthen coordination and interaction between state government and small businesses, and to make state government programs and functions simpler, easier to access, more efficient, and more responsive to the needs of small businesses.

(C) Not later than the first day of the seventh month after ~~the effective date of this section~~ March 3, 2015, the LeanOhio office shall appoint not more than five entrepreneurs in residence from among individuals who are successful in their fields and shall make reasonable efforts to market the

entrepreneur in residence program across the state and attract participation from entrepreneurs with various backgrounds, including female entrepreneurs, minority business enterprises as defined in section 122.71 of the Revised Code, and owners of EDGE business enterprises as defined in section ~~123.152~~122.922 of the Revised Code. The LeanOhio office may give preference to individuals who have achieved quantifiable improvements using LeanOhio tools and strategies such as lean six sigma and individuals who have achieved a black belt or master black belt certification from the LeanOhio office or an equivalent certification from a private sector office or entity.

The appointment of an entrepreneur in residence is for one year.

The office shall monitor the work of entrepreneurs in residence during the pilot program.

An entrepreneur in residence serves at the pleasure of the LeanOhio office, and the office may discharge without cause an entrepreneur in residence.

(D) The duties of an entrepreneur in residence may include any or all of the following:

(1) Assisting the LeanOhio office in facilitating and developing the scope of lean process improvement events throughout state government;

(2) Assisting the LeanOhio office in holding follow-up meetings to ensure the improvements developed at lean process improvement events are implemented;

(3) Participating in strategic planning efforts for the LeanOhio office or other areas of state government;

(4) Assisting the LeanOhio office with presentations on opportunities for state government to become more efficient and effective;

(5) Facilitating meetings with businesses, state agencies, and local governments that may be affected by process improvements recommended by the LeanOhio office;

(6) Assisting the LeanOhio office in providing continuous improvement training to state employees.

(E) An entrepreneur in residence shall report directly to the LeanOhio office.

An entrepreneur in residence is not entitled to compensation or any reimbursement from the LeanOhio office for expenses the entrepreneur in residence incurs in discharge of the entrepreneur in residence's duties.

(F)(1) Not later than the date that is one year after an entrepreneur in residence was appointed, the entrepreneur in residence shall prepare a report about the entrepreneur's experiences in the program. In the report, the

entrepreneur in residence shall make recommendations to the LeanOhio office that further the mission of the entrepreneur in residence program. In particular, the entrepreneur in residence shall make recommendations regarding all of the following:

(a) Elimination of inefficient or duplicative programs or functions of state government that affect small businesses;

(b) Methods of improving the efficiency of the programs or functions of state government that affect small businesses;

(c) Any new program or function affecting small businesses that should be established and implemented by state government;

(d) Any other matter that will further the mission of the entrepreneur in residence pilot program.

The entrepreneur in residence shall provide a copy of the report to the LeanOhio office.

(2) During or upon conclusion of the entrepreneur in residence pilot program, the LeanOhio office may convene an informal working group of entrepreneurs in residence to discuss best practices, experiences, and opportunities for and obstacles to operating small businesses as well as the recommendations in the reports prepared by the entrepreneurs in residence.

(G) Upon conclusion of the entrepreneur in residence pilot program, and after considering the reports of the entrepreneurs in residence and information learned from any informal working group, the LeanOhio office shall prepare a report on the entrepreneur in residence pilot program. In the report, the office shall recommend whether the entrepreneur in residence pilot program should be repeated with or without modifications, made permanent with or without modifications, or abandoned. The office shall append the reports of the entrepreneurs in residence to its report. If the pilot program is repeated or made permanent, an individual who previously was assigned as an entrepreneur in residence shall not be reassigned as an entrepreneur in residence.

The LeanOhio office shall provide a copy of its report to the common sense initiative office. The common sense initiative office promptly shall transmit a copy of the report to the officials designated in the last paragraph of section 107.55 of the Revised Code.

Sec. 125.70. The department of administrative services shall work with the departments of job and family services and medicaid to deploy private sector tools for digital identity management, authentication, and verification for individuals receiving medicaid benefits, supplemental nutrition assistance program benefits, or benefits funded by the temporary assistance for needy families block grant. These private sector tools shall include

joining available multistate cooperatives to identify individuals enrolled in public assistance programs, including the national accuracy clearinghouse for the supplemental nutrition assistance program, as well as other multi-state collaborative efforts to share enrollment information across state lines and avoid public assistance benefit duplication.

Sec. 125.832. (A) The department of administrative services is granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do both of the following:

(1) Approve the purchase or lease of each motor vehicle for use by a state agency. The department shall decide if a motor vehicle shall be leased or purchased for that use.

Except as otherwise provided in division (A)(1) of this section, on and after July 1, 2005, each state agency shall acquire all passenger motor vehicles under the department's master leasing program. If the department determines that acquisition under that program is not the most economical method and if the department and the state agency acquiring the passenger motor vehicle can provide economic justification for doing so, the department may approve the purchase, rather than the lease, of a passenger motor vehicle for the acquiring state agency.

(2) Direct and approve all funds that are expended for the purchase, lease, repair, maintenance, registration, insuring, and other costs related to the possession and operation of motor vehicles for the use of state agencies.

(B) The director of administrative services shall establish and operate a fleet management program. The director shall operate the program for purposes including, but not limited to, cost-effective acquisition, maintenance, management, analysis, and disposal of all motor vehicles owned or leased by the state. All state agencies shall comply with statewide fleet management policies and procedures established by the director for the program, including, but not limited to, motor vehicle assignments, additions of motor vehicles to fleets or motor vehicle replacements, motor vehicle fueling, and motor vehicle repairs.

(C) The director shall establish and maintain a fleet reporting system and shall require state agencies to submit to the department information relative to state motor vehicles, including motor vehicles described in division (G)(2) of section 125.831 of the Revised Code, to be used in operating the fleet management program. State agencies shall provide to the department fleet data and other information, including, but not limited to, mileage and costs. The data and other information shall be submitted in formats and in a manner determined by the department.

(D) All state agency purchases or leases of motor vehicles are subject to the prior approval of the director under division (A)(1) of this section.

(E) State agencies that utilize state motor vehicles or pay mileage reimbursements to employees shall provide a fleet plan to the department as directed by the department.

(F)(1) The fleets of state agencies that consist of one hundred or less vehicles on July 1, 2004, shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(2) The fleets of state agencies that consist of greater than one hundred motor vehicles, but less than five hundred motor vehicles, on July 1, 2005, also shall be managed by the department's fleet management program on a time schedule determined by the department, unless the state agency has received delegated authority as described in division (G) of this section.

(G)(1) The department may delegate any or all of its duties regarding fleet management to a state agency, if the state agency demonstrates to the satisfaction of the department both of the following:

(a) Capabilities to institute and manage a fleet management program, including, but not limited to, the presence of a certified fleet manager;

(b) Fleet management performance, as demonstrated by fleet data and other information submitted pursuant to annual reporting requirements and any other criteria the department considers necessary in evaluating the performance.

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department.

(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies:

(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles;

(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the proceeds shall be deposited, in the director's discretion, into the state treasury to the credit of either the fleet management fund created by section 125.83 of the Revised Code or the investment recovery fund created by section 125.14 of the Revised Code. Any such proceeds deposited into the state treasury to the credit of the investment recovery fund may be transferred from the investment recovery fund to the fleet management fund.

(I)(1) The department shall create and maintain a certified fleet manager

program.

(2) State agencies that have received delegated authority as described in division (G) of this section shall have a certified fleet manager.

(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements.

(K) The director shall adopt rules for implementing the fleet management program that are consistent with recognized best practices. The program shall be supported by reasonable fee charges for the services provided. The director shall collect these fees and deposit them into the state treasury to the credit for the fleet management fund created by section 125.83 of the Revised Code. The setting and collection of fees under this division is not subject to any restriction imposed by law upon the director's or the department's authority to set or collect fees.

(L) The director also shall adopt rules that prohibit, except in very limited circumstances, the exclusive assignment of state-owned, leased, or pooled motor vehicles to state employees and that prohibit the reimbursement under section 126.31 of the Revised Code of state employees who use their own motor vehicles for any mileage they incur above an amount that the department shall determine annually unless reimbursement for the excess mileage is approved by the department in accordance with standards for that approval the director shall establish in those rules. Beginning on September 26, 2003, no state-owned, leased, or pooled motor vehicle shall be personally assigned as any form of compensation or benefit of state employment, and no state-owned, leased, or pooled motor vehicle shall be assigned to an employee solely for commuting to and from home and work.

(M) The director shall do both of the following:

(1) Implement to the greatest extent possible the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" in connection with the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used by state agencies during the fiscal years ending on June 30, 2004, and June 30, 2005.

(N) Each state agency shall reimburse the department for all costs incurred in the assignment of motor vehicles to the state agency.

(O) The director shall do all of the following in managing the fleet management program:

(1) Determine how motor vehicles will be maintained, insured, operated, financed, and licensed;

(2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use;

(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used.

(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle.

(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year.

(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by ~~the product resulting when~~ the number of miles an average motor vehicle is driven per year ~~is multiplied by the number of years an average motor vehicle is used.~~

(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code.

Sec. 125.95. (A) There is hereby created within the department of administrative services the prescription drug transparency and affordability advisory council. The department shall provide administrative support to the advisory council as necessary for the advisory council to carry out its duties under this section.

(1) Members of the advisory council shall include the following:

(a) The director of administrative services;

(b) The director of health;

(c) The medicaid director;

(d) The director of mental health and addiction services;

(e) The administrator of workers' compensation.

(2) Members of the advisory council shall also include individuals who are working to address prescription drug availability and affordability in any of the following areas:

- (a) Insurance;
- (b) Local, state, and federal government service;
- (c) Private industry;
- (d) Organizations of faith;
- (e) Health care providers;
- (f) Consumer organizations;
- (g) Prescription drug manufacturers;
- (h) Prescription drug wholesale distributors;
- (i) Pharmacists;
- (j) Business organizations;
- (k) Individuals concerned about mental health or substance abuse matters;
- (l) Advocates for individuals struggling to afford prescription drugs.

The governor, the senate president, and the speaker of the house of representatives shall each appoint three members, each of whom represents at least one of the categories listed in divisions (A)(2)(a) to (l) of this section.

(B) Members shall serve without compensation. Initial appointments shall be made not later than sixty days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(C) Not later than six months after the date of initial appointments under division (B) of this section, the advisory council shall submit a report to the governor, the general assembly, and the chairperson of the joint medicaid oversight committee in accordance with section 101.68 of the Revised Code. The report shall include recommendations on all of the following:

- (1) How this state can best achieve prescription drug price transparency;
- (2) New payment models or other avenues to create the most affordable environment for purchasing prescription drugs;
- (3) Leveraging this state's purchasing power across all state agencies, boards, commissions, and similar entities;
- (4) Creating efficiencies across different health care systems, such as hospitals, the criminal justice system, treatment and recovery support programs, and employer-sponsored health insurance, to reduce duplicative service delivery across these systems, ensure that patients receive high quality and affordable prescription drugs, and support quality care and outcomes;
- (5) Which critical outcomes can be measured and used to improve this

state's system of purchasing affordable prescribed drugs;

(6) How federal, state, and local resources are being used to optimize these outcomes and identify where the resources can be better coordinated or redirected to meet the needs of consumers in this state.

(D) State agencies, boards, commissions, and similar entities shall cooperate with and provide assistance to the advisory council as necessary for the advisory council to carry out its duties under this section.

~~(E) Upon completion of the report described in division (C) of this section, the advisory council shall meet not less than quarterly to provide assistance and guidance relating to the recommendations in the report. On the effective date of this amendment, the advisory council shall cease to exist. Thereafter, the joint medicaid oversight committee may examine any of the topics described in the report prepared by the former advisory council under division (C) of this section upon the request of a member of the committee.~~

Sec. 126.021. Whenever, pursuant to section 126.06 of the Revised Code, the department of ~~administrative services~~ development files with the director of budget and management its estimate of proposed expenditures for the succeeding biennium, the department shall request, and the director of budget and management shall approve the request for, the following general revenue fund appropriations for operating the construction compliance section of the ~~equal employment opportunity office of the department of administrative services~~ development:

(A) For the first fiscal year of the biennium, an appropriation equal to fifty-three one-thousandths of one per cent of the total new capital appropriations provided for in the most recently enacted main capital appropriations act;

(B) For the second fiscal year of the biennium, an appropriation equal to the amount computed under division (A) of this section, adjusted for anticipated changes in operating costs based upon the inflation/deflation factor used by the director of budget and management for that fiscal year.

The amounts of the appropriations requested pursuant to divisions (A) and (B) of this section shall be in addition to the amounts provided for staff in the construction compliance section of the equal employment opportunity office of the department of administrative services as of January 1, 1988.

Sec. 126.37. (A) The director of budget and management ~~shall void any warrant the director draws on the state treasury pursuant to Chapter 5733. or 5747. of the Revised Code that is not presented for payment to the treasurer of state within two years after the date of issuance and shall void any other~~ warrant the director draws on the state treasury that is not presented for

payment to the treasurer of state within ninety days after the date of issuance.

(B) If a warrant voided pursuant to division (A) of this section was drawn against an appropriation of the current fiscal year and the holder of the voided warrant presents the warrant for reissuance, in the same fiscal year, to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against the same appropriation of the same fiscal year if the agency is satisfied that payment is proper.

(C) If a warrant was drawn against an appropriation of the first fiscal year of the fiscal biennium and voided pursuant to division (A) of this section in either fiscal year of the biennium and if the holder of the voided warrant presents the warrant for reissuance, in the second fiscal year of the biennium, to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against funds transferred to the agency by the director pursuant to section 131.33 of the Revised Code, if the agency is satisfied that payment is proper. If no such funds are available for transfer, the agency shall prepare the voucher against any unexpended appropriations of the current fiscal year available to it.

(D) If a warrant was drawn against an appropriation and, during the same biennium, was voided pursuant to division (A) of this section, and if, after that biennium, the holder of the voided warrant presents the warrant for reissuance to the state agency that made the payment originally, the agency shall prepare a voucher for the holder of the voided warrant, in the amount shown on the warrant that has been voided, against any appropriation of the current fiscal year made to the agency if the agency is satisfied that payment is proper.

(E) If a warrant voided pursuant to division (A) of this section was drawn against an appropriation of a previous fiscal year and voided after that fiscal biennium and if the holder of the voided warrant presents the warrant for reissuance to the state agency that made the payment originally, the agency shall forward the warrant to the director with a request for reissuance. The director shall make payment to the holder of the voided warrant, in the amount shown on the warrant that has been voided, against an appropriation of the current fiscal year made to the director for the reissuance of voided warrants, if the director is satisfied that reissuance of the warrant is proper.

Sec. 126.60. (A) As used in this section:

(1) "Agricultural water project" means a project that will improve water

quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment, that result from agricultural practices, in the waters of the state. "Agricultural water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or education.

(2) "Community water project" means a project involving a public water system operated by a political subdivision that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Community water project" includes a project involving research, technology, design, construction, best management practices, conservation, testing, or maintenance.

(3) "Nature water project" means a project involving a natural water system that will improve water quality by reducing or aiding in the reduction of levels of phosphorus, nitrogen, or sediment in the waters of the state. "Nature water project" includes a project involving research, technology, design, construction, best management practices, conservation, or maintenance. "Nature water project" also includes the creation, maintenance, or restoration of wetlands, flood plains, flood control systems, and buffers throughout the state, including the western basin of Lake Erie.

(B) There is hereby created in the state treasury the H2Ohio fund consisting of money credited to it and any donations, gifts, bequests, and other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. All money credited or deposited in the fund shall be used for any of the following purposes:

- (1) Agriculture water projects;
- (2) Community water projects;
- (3) Nature water projects;
- (4) Awarding or allocating grants or money, issuing loans, or making purchases for the development and implementation of projects and programs, including remediation projects, that are designed to address water quality priorities;
- (5) Funding cooperative research, data gathering and monitoring, and demonstration projects related to water quality priorities;
- (6) Encouraging cooperation with and among leaders from state legislatures, state agencies, political subdivisions, business and industry, labor, agriculture, environmental organizations, institutions of higher education, and water conservation districts;
- (7) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the

purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy.

(C) Not later than August 31, 2020, and annually thereafter, the Ohio Lake Erie commission, in coordination with state agencies or boards responsible for water protection and water management, shall do both of the following:

(1) Prepare a report of the activities that were undertaken with respect to the fund during the immediately preceding fiscal year, including the revenues and expenses of the fund for the preceding fiscal year;

(2) Submit the report to the general assembly and to the governor.

(D) Within forty-five days after the report is submitted under division (C) of this section, the directors of the state agencies that contributed to the report and the executive director of the Lake Erie commission shall appear before both the house of representatives and senate committees that oversee state finance to testify on the report.

Sec. 127.13. The director of budget and management or ~~his~~ the director's designee shall be president of the controlling board. The president shall prepare the proposed agenda for the meetings of the board and shall provide, at least ~~seven~~ fourteen days prior to the meeting, copies of the proposed agenda and supporting documentation to the members of the board and to ~~the legislative budget office of~~ the legislative service commission.

The director shall designate an employee of the office of budget and management to serve as secretary of the controlling board. The secretary shall assist the president of the board and shall make and keep a record of each request received by the board and of its action thereon. The secretary shall certify a copy of the record of each action to each member of the board and to the director.

The controlling board may adopt procedural rules for the conduct of the business of the board, may approve, disapprove, modify as to specific dollar amounts, or defer requests, and may require that a request from the senate, the house of representatives, the supreme court, or an elected member of the executive department as defined in Section 1 of Article III, Ohio Constitution, not currently before the controlling board be added to the agenda for a specified future meeting of the board, provided that such request has been previously submitted to the president for inclusion in the agenda for a board meeting. The controlling board also may adopt rules authorizing the president to act on its behalf in exigent circumstances affecting the public health, safety, or welfare.

The affirmative vote of no fewer than four members of the controlling board shall be required for any action of the board. The board shall meet at

least once a month.

Sec. 128.55. (A)(1) The tax commissioner, not later than the last day of each month, shall disburse moneys from the wireless 9-1-1 government assistance fund, plus any accrued interest on the fund, to each county treasurer:

~~(a) If there are sufficient funds in the wireless 9-1-1 government assistance fund, each county treasurer shall receive the same amount proportion distributed to that county by the public utilities commission tax commissioner in the corresponding calendar month in 2013.~~

~~(b) If the funds available are insufficient to make the distributions as provided in division (A)(1)(a) of this section, each county's share shall be reduced in proportion to the amounts received in the corresponding calendar month in 2013, until the total amount to be distributed to the counties is equivalent to the amount available in the wireless 9-1-1 government assistance fund of the previous year. Any shortfall in distributions resulting from insufficient the timing of funds from received in a previous month shall be remedied distributed in the following month.~~

(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section 128.022 of the Revised Code.

(B) Immediately upon receipt by a county treasurer of a disbursement under division (A) of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan.

(C) Nothing in this chapter affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under section 128.09 of the Revised Code, any other authorized revenue of the subdivision or the regional council of governments for the purposes of providing basic or enhanced 9-1-1.

Sec. 131.02. (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08

of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. In the case of an amount payable by a student enrolled in a state institution of higher education, the amount shall be certified within the later of forty-five days after the amount is due or the tenth day after the beginning of the next academic semester, quarter, or other session following the session for which the payment is payable. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general. If an amount payable to a political subdivision is past due, the political subdivision may, with the approval of the attorney general, certify the amount to the attorney general pursuant to this section.

For the purposes of this section, the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable shall agree on the time a payment is due, and that agreed upon time shall be one of the following times:

(1) If a law, including an administrative rule, of this state prescribes the time a payment is required to be made or reported, when the payment is required by that law to be paid or reported.

(2) If the payment is for services rendered, when the rendering of the services is completed.

(3) If the payment is reimbursement for a loss, when the loss is incurred.

(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.

(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.

(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.

(8) Upon proof of claim being filed in a bankruptcy case.

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency, institution, or political subdivision to which the payment is owed.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

(a) The assessment or case number;

(b) The tax pursuant to which the assessment is made;

(c) The reason for the liability, including, if applicable, that a penalty or interest is due;

(d) An explanation of how and when interest will be added to the amount assessed;

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

(1) Compromise the claim;

(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.

(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is

certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when a certified copy of the tax commissioner's entry making an assessment final has been filed in the office of the clerk of court of common pleas in the county in which the taxpayer resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county, as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of the Revised Code or in any other applicable law requiring such a filing. If an assessment has not been issued and there is no time limitation on the issuance of an assessment under applicable law, an action to collect a tax debt commences when the action is filed in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold, conveyed, or transferred to a private entity pursuant to this section is confidential pursuant to federal law or a section of the Revised Code that implements a federal law governing confidentiality, such information remains subject to that law during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the implementation of this section.

Sec. 131.025. The attorney general shall enter into an agreement with the United States secretary of the treasury to participate in the federal treasury offset program for the collection of the following debts certified to the attorney general pursuant to section 131.02 of the Revised Code:

- (A) State income tax obligations pursuant to 26 U.S.C. 6402(e);
- (B) Covered unemployment compensation debts pursuant to 26 U.S.C. 6402(f).

For the purpose of this section, "state income tax" includes taxes levied pursuant to Chapter 718. of the Revised Code to the extent that such taxes qualify for the federal treasury offset program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of the Revised Code, for the sole purpose of meeting the requirements of the federal treasury offset program, the attorney general is the tax administrator, as defined in that section, respecting delinquencies arising from taxes levied pursuant to Chapter 718. of the Revised Code once delinquency is certified to the attorney general for collection under section 131.02 of the Revised Code.

Sec. 131.43. There is hereby created in the state treasury the budget stabilization fund. All investment earnings of the fund shall be credited to the fund. It is the intent of the general assembly to maintain an amount of money in the budget stabilization fund that amounts to approximately eight and one-half per cent of the general revenue fund revenues for the preceding fiscal year. The governor shall include in the state budget the governor submits to the general assembly under section 107.03 of the Revised Code proposals for transfers between the general revenue fund and the budget stabilization fund for the ensuing fiscal biennium. The balance in the fund may be combined with the balance in the general revenue fund for purposes of cash management.

Sec. 131.50. (A) There is hereby created in the state treasury the state land royalty fund consisting of money credited to it under section ~~1509.73~~ 155.33 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund ~~and used as required in division (B) or (C) of this section.~~

~~(B) Except as provided in division (C) of this section, money in the state land royalty fund shall be used by state agencies to acquire land and to pay capital costs of state agencies, including equipment and renovations and repairs of facilities, that have contributed to the fund under section 1509.73 of the Revised Code. Such a (1) A state agency is entitled to receive from the fund the amount that the state agency contributed and a share of the investment earnings of the fund in an amount that is equivalent to the proportionate share of contributions made by the state agency to the fund.~~

Regarding the department of natural resources, each division within the department is entitled to receive from the department's proportionate share all amounts received by the department that are attributable to the state-owned land controlled by that division.

(2) The treasurer of state, in consultation with the director of budget and management, shall disburse money from the state land royalty fund to the appropriate fund designated by the state agency not later than thirty days after the deposit of any money into the state land royalty fund. If the state agency is the department of natural resources, the treasurer of state, in consultation with the director of budget and management and the director of natural resources, shall disburse the money to the appropriate fund designated by the applicable division within the department.

(3) A state agency or, as applicable, a division of the department of natural resources, may use the money for any costs and expenses the agency determines are necessary.

~~(C) Money in the fund that is allocated to a state college or university may be used to pay for operating expenses associated with any property that is owned by the college or university and that is at least partially used for the exploration, development, and production of oil or gas if both of the following apply:~~

~~(1) The state college or university is engaged in research at the property or in education or outreach regarding the property.~~

~~(2) The research, education, or outreach is associated with furthering the public understanding of how oil and gas exploration, development, or production potentially benefits the public and impacts the use of the state's natural resources.~~

~~(D) As used in this section, "state agency" has the same meaning as in section ~~1509.70~~ 155.30 of the Revised Code.~~

Sec. 133.06. (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an

amount equal to four per cent of its tax valuation, unless the superintendent of public instruction, acting under policies adopted by the state board of education, and the tax commissioner, acting under written policies of the commissioner, consent to the submission. A request for the consents shall be made at least one hundred twenty days prior to the election at which the question is to be submitted.

The superintendent of public instruction shall certify to the district the superintendent's and the tax commissioner's decisions within thirty days after receipt of the request for consents.

If the electors do not approve the issuance of securities at the election for which the superintendent of public instruction and tax commissioner consented to the submission of the question, the school district may submit the same question to the electors on the date that the next special election may be held under section 3501.01 of the Revised Code without submitting a new request for consent. If the school district seeks to submit the same question at any other subsequent election, the district shall first submit a new request for consent in accordance with this division.

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;

(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;

(5) Debt incurred under section 3313.374 of the Revised Code;

(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;

(7) Debt incurred under section 3318.042 of the Revised Code;

(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.

(1) A board of education, by resolution, may declare its school district

to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase during the next ten years.

(F) A school district may issue securities for emergency purposes, in a principal amount that does not exceed an amount equal to three per cent of

its tax valuation, as provided in this division.

(1) A board of education, by resolution, may declare an emergency if it determines both of the following:

(a) School buildings or other necessary school facilities in the district have been wholly or partially destroyed, or condemned by a constituted public authority, or that such buildings or facilities are partially constructed, or so constructed or planned as to require additions and improvements to them before the buildings or facilities are usable for their intended purpose, or that corrections to permanent improvements are necessary to remove or prevent health or safety hazards.

(b) Existing fiscal and net indebtedness limitations make adequate replacement, additions, or improvements impossible.

(2) Upon the declaration of an emergency, the board of education may, by resolution, submit to the electors of the district pursuant to section 133.18 of the Revised Code the question of issuing securities for the purpose of paying the cost, in excess of any insurance or condemnation proceeds received by the district, of permanent improvements to respond to the emergency need.

(3) The procedures for the election shall be as provided in section 133.18 of the Revised Code, except that:

(a) The form of the ballot shall describe the emergency existing, refer to this division as the authority under which the emergency is declared, and state that the amount of the proposed securities exceeds the limitations prescribed by division (B) of this section;

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and

implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the preceding twelve months, and estimates of the amounts by which energy consumption and resultant operational and maintenance costs, as defined by the commission, would be reduced.

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(1) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the installations, modifications, or remodeling have been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(2) The board of education may contract with a person experienced in the implementation of student transportation to produce a report that includes an analysis of and recommendations for the use of alternative fuel vehicles by school districts. The report shall include cost estimates detailing the return on investment over the life of the alternative fuel vehicles and environmental impact of alternative fuel vehicles. The report also shall include estimates of all costs associated with alternative fuel transportation, including facility modifications and vehicle purchase costs or conversion costs.

If the board finds after receiving the report that the amount of money the district would spend on purchasing alternative fuel vehicles or vehicle conversion is not likely to exceed the amount of money it would save in fuel and resultant operational and maintenance costs over the ensuing five years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the purchase of new alternative fuel vehicles or vehicle conversions for the purpose of reducing fuel costs.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G)(2) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the purchase or conversion of alternative fuel vehicles has been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(3) The facilities construction commission shall approve the board's request provided that the following conditions are satisfied:

- (a) The commission determines that the board's findings are reasonable.
- (b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of this section, the installations, modifications, or remodeling are consistent with any project to

construct or acquire classroom facilities, or to reconstruct or make additions to existing classroom facilities under sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may issue securities without a vote of the electors in a principal amount not to exceed nine-tenths of one per cent of its tax valuation for the purpose specified in division (G)(1) or (2) of this section, but the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation.

(4)(a) So long as any securities issued under division (G)(1) of this section remain outstanding, the board of education shall monitor the energy consumption and resultant operational and maintenance costs of buildings in which installations or modifications have been made or remodeling has been done pursuant to that division. Except as provided in division (G)(4)(b) of this section, the board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the reductions in energy consumption and resultant operational and maintenance cost savings attributable to such installations, modifications, or remodeling. The resultant operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(b) If the facilities construction commission verifies that the certified annual reports submitted to the commission by a board of education under division (G)(4)(a) of this section fulfill the guarantee required under division (B) of section 3313.372 of the Revised Code for three consecutive years, the board of education shall no longer be subject to the annual reporting requirements of division (G)(4)(a) of this section.

(5) So long as any securities issued under division (G)(2) of this section remain outstanding, the board of education shall monitor the purchase of new alternative fuel vehicles or vehicle conversions pursuant to that division. The board shall maintain and annually update a report in a form and manner prescribed by the facilities construction commission documenting the purchase of new alternative fuel vehicles or vehicle conversions, the associated environmental impact, and return on investment. The resultant fuel and operational and maintenance cost savings shall be certified by the school district treasurer. The report shall be submitted annually to the commission.

(H) With the consent of the superintendent of public instruction, a school district may incur without a vote of the electors net indebtedness that

exceeds the amounts stated in divisions (A) and (G) of this section for the purpose of paying costs of permanent improvements, if and to the extent that both of the following conditions are satisfied:

(1) The fiscal officer of the school district estimates that receipts of the school district from payments made under or pursuant to agreements entered into pursuant to section 725.02, 1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised Code, or distributions under division (C) of section 5709.43 or division (B) of section 5709.47 of the Revised Code, or any combination thereof, are, after accounting for any appropriate coverage requirements, sufficient in time and amount, and are committed by the proceedings, to pay the debt charges on the securities issued to evidence that indebtedness and payable from those receipts, and the taxing authority of the district confirms the fiscal officer's estimate, which confirmation is approved by the superintendent of public instruction;

(2) The fiscal officer of the school district certifies, and the taxing authority of the district confirms, that the district, at the time of the certification and confirmation, reasonably expects to have sufficient revenue available for the purpose of operating such permanent improvements for their intended purpose upon acquisition or completion thereof, and the superintendent of public instruction approves the taxing authority's confirmation.

The maximum maturity of securities issued under division (H) of this section shall be the lesser of twenty years or the maximum maturity calculated under section 133.20 of the Revised Code.

(I) A school district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of this section when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in a project under Chapter 3318. of the Revised Code, including the cost of items designated by the facilities construction commission as required locally funded initiatives, the cost of other locally funded initiatives in an amount that does not exceed fifty per cent of the district's portion of the basic project cost, and the cost for site acquisition. ~~The commission~~ A school district shall notify the superintendent of public instruction whenever ~~a school~~ that district will exceed either limit pursuant to this division.

(J) A school district whose portion of the basic project cost of its classroom facilities project under sections 3318.01 to 3318.20 of the Revised Code is greater than or equal to one hundred million dollars may

incur without a vote of the electors net indebtedness in an amount up to two per cent of its tax valuation through the issuance of general obligation securities in order to generate all or part of the amount of its portion of the basic project cost if the controlling board has approved the facilities construction commission's conditional approval of the project under section 3318.04 of the Revised Code. The school district board and the Ohio facilities construction commission shall include the dedication of the proceeds of such securities in the agreement entered into under section 3318.08 of the Revised Code. No state moneys shall be released for a project to which this section applies until the proceeds of any bonds issued under this section that are dedicated for the payment of the school district portion of the project are first deposited into the school district's project construction fund.

Sec. 135.02. There shall be a state board of deposit consisting of the treasurer of state or an employee of the treasurer of state's department designated by the treasurer of state, the auditor of state or an employee of the auditor of state's department designated by the auditor of state, and the attorney general or an employee of the attorney general's department designated by the attorney general. The board shall meet on the call of the chairperson at least annually to perform the duties prescribed in sections 135.01 to 135.21 of the Revised Code. At any time, two members of the board may request that the chairperson call a meeting of the board, and the chairperson shall call the meeting within thirty days after receiving such requests. The treasurer of state or the treasurer of state's designated representative shall be chairperson of the board. The ~~cashier~~ treasurer of the state ~~treasury~~ shall ~~be~~ designate an employee of the treasurer of state's department to serve as the secretary of the board and ~~shall~~ keep its records. A certified copy of such records shall be prima-facie evidence of the matter appearing therein in any court of record.

The chairperson shall provide a monthly report to the board of deposit consisting of the notifications required under division (B) of section 135.143 of the Revised Code and shall post that report monthly to a web site maintained by the treasurer of state.

The necessary expenses of the board shall be paid from the state treasury from appropriations for that purpose upon the order of the board certified by the chairperson and the secretary.

Sec. 135.143. (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

- (1) United States treasury bills, notes, bonds, or any other obligations or

securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality;

(3)(a) Bonds, notes, and other obligations of the state of Ohio, including, but not limited to, any obligations issued by the treasurer of state, the Ohio public facilities commission, the Ohio building authority, the Ohio housing finance agency, the Ohio water development authority, and the Ohio turnpike infrastructure commission;

(b) Bonds, notes, and other obligations of any state or political subdivision thereof rated in the three highest categories by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer, provided the treasurer of state is not the sole purchaser of the bonds, notes, or other obligations at original issuance.

(4)(a) Written repurchase agreements with any eligible Ohio financial institution that is a member of the federal reserve system or federal home loan bank, or any registered United States government securities dealer, under the terms of which agreement the treasurer of state purchases and the eligible financial institution or dealer agrees unconditionally to repurchase any of the securities that are listed in division (A)(1), (2), or (6) of this section. The market value of securities subject to these transactions must exceed the principal value of the repurchase agreement by an amount specified by the treasurer of state, and the securities must be delivered into the custody of the treasurer of state or the qualified trustee or agent designated by the treasurer of state. The agreement shall contain the requirement that for each transaction pursuant to the agreement, the participating institution or dealer shall provide all of the following information:

(i) The par value of the securities;

(ii) The type, rate, and maturity date of the securities;

(iii) A numerical identifier generally accepted in the securities industry that designates the securities.

(b) The treasurer of state also may sell any securities, listed in division (A)(1), (2), or (6) of this section, regardless of maturity or time of redemption of the securities, under the same terms and conditions for repurchase, provided that the securities have been fully paid for and are owned by the treasurer of state at the time of the sale.

(5) Securities lending agreements with any eligible financial institution that is a member of the federal reserve system or federal home loan bank or

any recognized United States government securities dealer, under the terms of which agreements the treasurer of state lends securities and the eligible financial institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.

Securities and cash received as collateral for a securities lending agreement are not interim funds of the state. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in such instruments specified by the treasurer of state in accordance with a written investment policy.

(6) Various forms of commercial paper issued by any entity that is organized under the laws of the United States or a state, which notes are rated in the two highest categories by two nationally recognized standard rating services, provided that the total amount invested under this section in any commercial paper at any time shall not exceed forty per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(7) Bankers acceptances, maturing in two hundred seventy days or less, provided that the total amount invested in bankers acceptances at any time shall not exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(8) Certificates of deposit in eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code, including linked deposits as provided in sections 135.61 to 135.67 of the Revised Code, agricultural linked deposits as provided in sections 135.71 to 135.76 of the Revised Code, business linked deposits as provided in sections 135.77 to 135.774 of the Revised Code, and housing linked deposits as provided in sections 135.81 to 135.87 of the Revised Code;

(9) Negotiable certificates of deposit denominated in United States dollars issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or a federally licensed or state-licensed branch of a foreign bank, which are rated in the two highest categories by two nationally recognized standard rating services, provided that the total amount invested under this section in negotiable certificates of deposit at any time shall not exceed twenty-five per cent of the state's total average portfolio, as determined and calculated by the treasurer of state. Interim funds invested in accordance with division (A)(9) of this section are not limited to institutions applying for interim moneys under section 135.08 of the Revised Code, nor are they subject to any pledging requirements described in sections 135.18, 135.181, or 135.182 of the Revised Code.

(10) The state treasurer's investment pool authorized under section 135.45 of the Revised Code;

~~(10)~~(11) Debt interests, other than commercial paper described in division (A)(6) of this section, rated in the three highest categories by two nationally recognized standard rating services and issued by entities that are organized under the laws of the United States or a state, or issued by foreign nations diplomatically recognized by the United States government, or any instrument based on, derived from, or related to such interests, provided that:

(a) The investments in debt interests other than commercial paper shall not exceed in the aggregate twenty-five per cent of the state's portfolio.

(b) The investments in debt interests issued by foreign nations shall not exceed in the aggregate two per cent of the state's portfolio.

The treasurer of state shall invest under division (A)~~(10)~~(11) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.

(c) When added to the investment in commercial paper and negotiable certificates of deposit, the investments in the debt interests of a single issuer shall not exceed in the aggregate five per cent of the state's portfolio.

(d) For purposes of division (A)~~(10)~~(11) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, in the three highest categories by two nationally recognized standard rating services.

(e) For purposes of division (A)~~(10)~~(11) of this section, the "state's portfolio" means the state's total average portfolio, as determined and calculated by the treasurer of state.

~~(11)~~(12) No-load money market mutual funds rated in the highest category by one nationally recognized standard rating service or consisting exclusively of obligations described in division (A)(1), (2), or (6) of this section and repurchase agreements secured by such obligations.

~~(12)~~(13) Obligations issued by, or on behalf of, an Ohio political subdivision under Chapter 133. of the Revised Code or Section 12 of Article XVIII, Ohio Constitution, and identified in an agreement described in division (G) of this section.

(B) Whenever, during a period of designation, the treasurer of state classifies public moneys as interim moneys, the treasurer of state shall notify the state board of deposit of such action. The notification shall be

given within thirty days after such classification and, in the event the state board of deposit does not concur in such classification or in the investments or deposits made under this section, the board may order the treasurer of state to sell or liquidate any of the investments or deposits, and any such order shall specifically describe the investments or deposits and fix the date upon which they are to be sold or liquidated. Investments or deposits so ordered to be sold or liquidated shall be sold or liquidated for cash by the treasurer of state on the date fixed in such order at the then current market price. Neither the treasurer of state nor the members of the state board of deposit shall be held accountable for any loss occasioned by sales or liquidations of investments or deposits at prices lower than their cost. Any loss or expense incurred in making these sales or liquidations is payable as other expenses of the treasurer's office.

(C) If any securities or obligations invested in by the treasurer of state pursuant to this section are registrable either as to principal or interest, or both, such securities or obligations shall be registered in the name of the treasurer of state.

(D) The treasurer of state is responsible for the safekeeping of all securities or obligations under this section. Any such securities or obligations may be deposited for safekeeping as provided in section 113.05 of the Revised Code.

(E) Interest earned on any investments or deposits authorized by this section shall be collected by the treasurer of state and credited by the treasurer of state to the proper fund of the state.

(F) Whenever investments or deposits acquired under this section mature and become due and payable, the treasurer of state shall present them for payment according to their tenor, and shall collect the moneys payable thereon. The moneys so collected shall be treated as public moneys subject to sections 135.01 to 135.21 of the Revised Code.

(G) The treasurer of state and any entity issuing obligations referred to in division (A)~~(12)~~(13) of this section, which obligations mature within one year from the original date of issuance, may enter into an agreement providing for:

(1) The purchase of those obligations by the treasurer of state on terms and subject to conditions set forth in the agreement;

(2) The payment to the treasurer of state of a reasonable fee as consideration for the agreement of the treasurer of state to purchase those obligations; provided, however, that the treasurer of state shall not be authorized to enter into any such agreement with a board of education of a school district that has an outstanding obligation with respect to a loan

received under authority of section 3313.483 of the Revised Code.

(H) For purposes of division (G) of this section, a fee shall not be considered reasonable unless it is set to recover only the direct costs, a reasonable estimate of the indirect costs associated with the purchasing of obligations under division (G) of this section and any reselling of the obligations or any interest in the obligations, including interests in a fund comprised of the obligations, and the administration thereof. No money from the general revenue fund shall be used to subsidize the purchase or resale of these obligations.

(I) All money collected by the treasurer of state from the fee imposed by division (G) of this section shall be deposited to the credit of the state political subdivision obligations fund, which is hereby created in the state treasury. Money credited to the fund shall be used solely to pay the treasurer of state's direct and indirect costs associated with purchasing and reselling obligations under division (G) of this section.

(J) As used in this section, "political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

Sec. 135.45. (A) Subject to division (B) of this section, a treasurer, governing board, or investing authority of a subdivision may pay public moneys of the subdivision into the Ohio subdivision's fund, which may be established in the custody of the treasurer of state. The treasurer of state shall invest the moneys in the fund in separately managed accounts and pooled accounts, including the state treasurer's investment pool, in the same manner, in the same types of instruments, and subject to the same limitations provided for the deposit and investment of interim moneys of the state, except that the fund shall not be invested in the linked deposits authorized under sections 135.61 to 135.67 of the Revised Code.

(B)(1) On and after July 1, 1997, a treasurer, governing board, or investing authority of a subdivision that has not entered into an agreement with the treasurer of state under division (C) of this section shall not invest public moneys of the subdivision in a pooled account of the Ohio subdivision's fund under division (B)(6) of section 135.14 of the Revised Code or division (A)(6) of section 135.35 of the Revised Code if the pool does not maintain the highest letter or numerical rating provided by at least one nationally recognized standard rating service.

(2) Upon receipt of notice that the pool does not maintain the highest letter or numerical rating required under division (B)(1) of this section, the treasurer of state shall have ninety days to obtain the required highest letter

or numerical rating. If the treasurer of state fails to obtain the required highest letter or numerical rating, the treasurer of state shall have an additional one hundred eighty days to develop a plan to dissolve the pool. The plan shall include reasonable standards for the equitable return of public moneys in the pool to those subdivisions participating in the pool.

(3) Treasurers, governing boards, or investing authorities of subdivisions participating in the pool shall not be required to divest in the pool during the initial one hundred eighty days following the treasurer of state's receipt of notice under division (B)(2) of this section.

(C) A treasurer, governing board, or investing authority of a subdivision that wishes to invest public moneys of the subdivision in a separately managed account or pooled account of the Ohio subdivision's fund may enter into an agreement with the treasurer of state that sets forth the manner in which the money is to be invested. The treasurer of state shall invest the moneys in accordance with the agreement, subject to the limitations set forth in division (A) of this section. For purposes of this division, the limitation on investments in debt interests provided in division ~~(A)(10)(a)~~ (A)(11)(a) of section 135.143 of the Revised Code shall not apply to a subdivision's excess reserves.

(D) The treasurer of state shall adopt such rules as are necessary for the implementation of this section, including the efficient administration of and accounting for the separately managed accounts and pooled accounts, including the state treasurer's investment pool, and the specification of minimum amounts that may be paid into such pools and minimum periods of time for which such payments shall be retained in the pools. The rules shall provide for the administrative expenses of the separately managed accounts and pooled accounts, including the state treasurer's investment pool, to be paid from the earnings and for the interest earnings in excess of such expenses to be credited to the several treasurers, governing boards, and investing authorities participating in a pool in a manner which equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which such amounts are in the pool.

(E) The treasurer of state shall give bond with sufficient sureties, payable to the treasurers, governing boards, and investing authorities of subdivisions participating in the fund, for the benefit of the subdivisions whose moneys are paid into the fund for investment, in the total penal sum of two hundred fifty thousand dollars, conditioned for the faithful discharge of the treasurer of state's duties in relation to the fund.

(F) The treasurer of state and the treasurer of state's bonders or surety are liable for the loss of any interim moneys of the state and subdivisions

invested under this section to the same extent the treasurer of state and the treasurer of state's bonders or surety are liable for the loss of public moneys under section 135.19 of the Revised Code.

(G) As used in this section:

(1) "Interim moneys" and "governing board" have the same meanings as in section 135.01 of the Revised Code.

(2)(a) "Subdivision" has the same meaning as in section 135.01 of the Revised Code, but also includes a county, a municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution, or any government entity for which the fund is a permissible investment.

(b) "Public moneys of a subdivision" has the same meaning as in section 135.01 of the Revised Code, but also includes "public moneys" as defined in section 135.31 of the Revised Code, and funds held in the custody of the treasurer of state notwithstanding any limitations on the permissible investments of such funds.

(3) "Treasurer" has the same meaning as in sections 135.01 and 135.31 of the Revised Code.

(4) "Investing authority" has the same meaning as in section 135.31 of the Revised Code.

(5) "Excess reserves" means the amount of a subdivision's public moneys that exceed the average of a subdivision's annual operating expenses in the immediately preceding three fiscal years.

Sec. 149.11. (A) Any department, division, bureau, board, or commission of the state government issuing a report, pamphlet, document, or other publication intended for general public use and distribution, which publication is reproduced by duplicating processes in print whether through a contract awarded to any person, company, or the state printing division of the department of administrative services, shall cause to be delivered to the state library fifty copies of the publication, subject to the provisions of section 125.42 of the Revised Code.

(B) The state library board shall distribute the print publications so received as follows:

(1) Retain two copies in the state library;

(2) Send two copies to the document division of the library of congress;

(3) Send one copy to the Ohio history connection and to each public or college library in the state designated by the state library board to be a depository for state publications. In designating which libraries shall be depositories, the board shall select those libraries that can best preserve those publications and that are so located geographically as will make the publications conveniently accessible to residents in all areas of the state.

(4) Send one copy to each state in exchange for like publications of that state.

(C) A department, division, bureau, board, or commission of the state government shall notify the state library of the availability of documents or other publications, intended for general public use and distribution, which are made available electronically on its internet web site. The state library shall retain electronic publications in the state library digital archive and provide permanent access and records to each public or college library in the state designated by the state library board to be a depository for state publications.

(D) The print publications described in division (A) of this section and the electronic publications described in division (C) of this section shall be considered already prepared and available for inspection, and, subject to applicable copyright protections, reproduction by any person at all reasonable times during regular business hours at the state library and each library designated as a depository for state publications.

(E) The provisions of this section do not apply to any publication of the general assembly or to the publications described in sections 149.07, ~~149.08~~, 149.091, and 149.17 of the Revised Code, except that the secretary of state shall forward to the document division of the library of congress two copies of all journals, two copies of the session laws as provided for in section 149.091 of the Revised Code, and two copies of all appropriation laws in separate form.

Sec. 149.309. (A) The Ohio commission for the United States semiquincentennial is established to plan, encourage, develop, and coordinate the commemoration of the two hundred fiftieth anniversary of the founding of the United States and the impact of Ohioans on the nation's past, present, and future.

(B) The commission shall consist of the following twenty-nine members:

(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;

(3) The governor or the governor's designee;

(4) The chief justice of the supreme court of Ohio;

(5) The president of the board of trustees of the Ohio history connection;

(6) The president of the Ohio local history alliance's designee;

(7) The president of the Ohio county commissioners association's designee;

(8) The chairperson of the board of the Ohio arts council;

(9) The director of TourismOhio;

(10) The executive director of the Ohio travel association;

(11) Seventeen members who are private citizens, of whom:

(a) Eight shall be appointed by the governor;

(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;

(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority leader of the house of representatives;

(d) One shall be appointed by the chief justice of the supreme court of Ohio.

(C) The governor shall designate one of the private citizen members as the chairperson of the commission and a different private citizen member as the vice chairperson of the commission.

The executive director or the deputy executive director of the Ohio history connection shall serve as the secretary of the commission and shall be an ex officio, nonvoting member of the commission.

(D) A member shall be appointed for the duration of the commission, so long as the member continues to hold the office that entitled the member to the position on the commission. A vacancy on the commission shall be filled in the same manner as the original appointment. The members of the commission shall receive no compensation for service on the commission, except for reimbursement for reasonable travel expenses.

(E) Meetings of the commission shall be held throughout this state at times and locations determined by the chairperson. A majority of the members of the commission shall constitute a quorum, but a lesser number of members may hold hearings or meetings for the purpose of furthering the commission's work.

(F) The commission shall do all of the following:

(1) Plan, coordinate, and implement an overall program to build public awareness and foster public participation to celebrate and commemorate the two hundred fiftieth anniversary of the independence and founding of the United States;

(2) Coordinate with all federal, state, and local agencies and private organizations on infrastructural improvements and projects or programs to welcome and encourage regional, national, and international tourists;

(3) Establish and maintain an official web site that is available and

accessible to the public.

(G) In preparing plans and an overall program, the commission shall do all of the following:

(1) Give due consideration to related plans and programs developed by federal, other state, local, and private groups;

(2) Conduct extensive public engagement throughout this state to develop programs of its own or with or by other agencies, communities, or organizations that may take place to mark the semiquincentennial by December 31, 2026;

(3) Aim to involve and showcase all counties in this state;

(4) Draw attention to the achievements, struggles, honors, innovations, and significance of all people in this state since before its founding to the present day.

(H) The commission may designate special committees with representatives from stakeholding groups to plan, develop, and coordinate specific activities.

(I)(1) Not later than September 30, 2022, the commission shall submit to the governor and the general assembly a comprehensive report that includes the specific recommendations of the commission for the commemoration of the two hundred fiftieth anniversary of the independence and founding of the United States and related events, as well as a timeline of the plans and overall program and estimates of all costs associated with the plans and overall program.

(2) The report may include recommendations for the following:

(a) Improvements to the infrastructure of the state or for capital projects necessary for the successful delivery of the commission's plan and overall program;

(b) Legislation needed to effectuate the plan and overall program.

(3) The report shall be available on the commission's official web site.

(4) The commission may, from time to time, expand upon or revise its initial report as events warrant.

(J) The commission may secure directly from a state agency information as the commission considers necessary to carry out its duties. On the request of the chairperson of the commission or the commission's executive director, the head of a state agency shall provide the information to the commission.

(K) The commission may accept, use, and dispose of gifts and donations of money, property, or personal services and may request personnel or other supportive resources from state agencies, local governments, and public universities.

(L) As determined necessary by the commission, the commission may do any of the following:

(1) Procure supplies, services, and property;

(2) Take actions as are necessary to enable the commission to carry out efficiently and in the public interest the purpose of this section.

(M)(1) The chairperson of the commission shall appoint an executive director who may, in turn, hire personnel as are necessary to enable the commission to perform its powers and duties. With approval from the commission, the executive director may authorize the Ohio history connection to enter into contracts with vendors and consultants to undertake work commensurate with the commission's public functions. All commission employees shall be employees of the Ohio history connection and shall be subject to its customary personnel policies and procedures.

(2) The employment of an executive director shall be subject to confirmation by majority vote of the commission.

(3) The commission, from time to time, may request operating and capital appropriations from the general assembly. Such appropriated money shall be received by the Ohio history connection and held for the use of the commission. Such money shall be audited annually in the ordinary manner and commensurate with the Ohio history connection's audit by the auditor of state.

(N) Once each year on or before the thirty-first day of December, during the period beginning on the effective date of this section through December 31, 2026, the commission shall submit to the governor and the general assembly a report of the activities of the commission, including a summary of funds received and expended during the year covered by the report, the outputs and outcomes achieved, and whether those achievements meet the commission's plan and overall program. The report shall be available on the commission's official web site. The commission shall publish a final report of its activities on or before June 30, 2027.

(O) The commission terminates on June 30, 2027.

Sec. 149.311. (A) As used in this section:

(1) "Historic building" means a building, including its structural components, that is located in this state and that is either individually listed on the national register of historic places under 16 U.S.C. 470a, located in a registered historic district, and certified by the state historic preservation officer as being of historic significance to the district, or is individually listed as an historic landmark designated by a local government certified under 16 U.S.C. 470a(c).

(2) "Qualified rehabilitation expenditures" means expenditures paid or

incurred during the rehabilitation period, and before and after that period as determined under 26 U.S.C. 47, by an owner or qualified lessee of an historic building to rehabilitate the building. "Qualified rehabilitation expenditures" includes architectural or engineering fees paid or incurred in connection with the rehabilitation, and expenses incurred in the preparation of nomination forms for listing on the national register of historic places. "Qualified rehabilitation expenditures" does not include any of the following:

(a) The cost of acquiring, expanding, or enlarging an historic building;
(b) Expenditures attributable to work done to facilities related to the building, such as parking lots, sidewalks, and landscaping;

(c) New building construction costs.

(3) "Owner" of an historic building means a person holding the fee simple interest in the building. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code.

(4) "Qualified lessee" means a person subject to a lease agreement for an historic building and eligible for the federal rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" does not include the state or a state agency or political subdivision as defined in section 9.23 of the Revised Code.

(5) "Certificate owner" means the owner or qualified lessee of an historic building to which a rehabilitation tax credit certificate was issued under this section.

(6) "Registered historic district" means an historic district listed in the national register of historic places under 16 U.S.C. 470a, an historic district designated by a local government certified under 16 U.S.C. 470a(c), or a local historic district certified under 36 C.F.R. 67.8 and 67.9.

(7) "Rehabilitation" means the process of repairing or altering an historic building or buildings, making possible an efficient use while preserving those portions and features of the building and its site and environment that are significant to its historic, architectural, and cultural values.

(8) "Rehabilitation period" means one of the following:

(a) If the rehabilitation initially was not planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed twenty-four months during which rehabilitation occurs;

(b) If the rehabilitation initially was planned to be completed in stages, a period chosen by the owner or qualified lessee not to exceed sixty months during which rehabilitation occurs. Each stage shall be reviewed as a phase of a rehabilitation as determined under 26 C.F.R. 1.48-12 or a successor to

that section.

(9) "State historic preservation officer" or "officer" means the state historic preservation officer appointed by the governor under 16 U.S.C. 470a.

(10) "Catalytic project" means the rehabilitation of an historic building, the rehabilitation of which will foster economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development ~~services~~ for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

(3) Eligibility requirements for obtaining a certificate under this section;

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.

(7) Any other rules necessary to implement and administer this section.

(C) The director of ~~development services~~ shall review the applications

with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;

(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic building; or

(b) To increase the level of investment in such rehabilitation.

An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director ~~of development services~~ that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant begins the physical rehabilitation of the historic building.

(D)(1) If the director ~~of development services~~ determines that an application meets the criteria in divisions (C)(1), (2), and (3) of this section, the director shall conduct a cost-benefit analysis for the historic building that is the subject of the application to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used. The director shall consider the results of the cost-benefit analysis in determining whether to approve the application. The director shall also consider the potential economic impact and the regional distributive balance of the credits throughout the state. The director may approve an application only after completion of the cost-benefit analysis.

(2) A rehabilitation tax credit certificate shall not be issued for an amount greater than the estimated amount furnished by the applicant on the application for such certificate and approved by the director. The director shall not approve more than a total of sixty million dollars of rehabilitation tax credits per fiscal year but the director may reallocate unused tax credits from a prior fiscal year for new applicants and such reallocated credits shall not apply toward the dollar limit of this division.

(3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division (A)(8)(a) of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed.

(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)(8)(b) of this section, a rehabilitation tax credit certificate shall not be issued before a stage of rehabilitation is

completed. After all stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitations, the director shall certify this finding to the tax commissioner, and any rehabilitation tax credits received by the applicant shall be repaid by the applicant and may be collected by assessment as unpaid tax by the commissioner.

(5) The director ~~of development services~~ shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the historic building when qualified rehabilitation expenditures exceed two hundred thousand dollars.

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit certificate.

(6) The director ~~of development services~~ may approve the application of, and issue a rehabilitation tax credit certificate to, the owner of a catalytic project, provided the application otherwise meets the criteria described in divisions (C) and (D) of this section. The director may not approve more than one application for a rehabilitation tax credit certificate under division (D)(6) of this section during each state fiscal biennium. The director shall not approve an application for a rehabilitation tax credit certificate under division (D)(6) of this section during the state fiscal biennium beginning July 1, 2017, or during any state fiscal biennium thereafter. The director shall consider the following criteria in determining whether to approve an application for a certificate under division (D)(6) of this section:

- (a) Whether the historic building is a catalytic project;
- (b) The effect issuance of the certificate would have on the availability of credits for other applicants that qualify for a credit certificate within the credit dollar limit described in division (D)(2) of this section;
- (c) The number of jobs, if any, the catalytic project will create.

(7)(a) The owner or qualified lessee of a historic building may apply for a rehabilitation tax credit certificate under both divisions (B) and (D)(6) of this section. In such a case, the director ~~of development services~~ shall consider each application at the time the application is submitted.

(b) The director ~~of development services~~ shall not issue more than one certificate under this section with respect to the same qualified rehabilitation expenditures.

(E) Issuance of a certificate represents a finding by the director ~~of development services~~ of the matters described in divisions (C)(1), (2), and (3) of this section only; issuance of a certificate does not represent a verification or certification by the director of the amount of qualified rehabilitation expenditures for which a tax credit may be claimed under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of qualified rehabilitation expenditures for which a tax credit may be claimed is subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Upon the issuance of a certificate, the director shall certify to the tax commissioner, in the form and manner requested by the tax commissioner, the name of the applicant, the amount of qualified rehabilitation expenditures shown on the certificate, and any other information required by the rules adopted under this section.

(F)(1) On or before the first day of August each year, the director ~~of development services~~ and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the program and shall include information on the number of rehabilitation tax credit certificates issued under this section during the preceding fiscal year, an update on the status of each historic building for which an application was approved under this section, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

(2) On or before December 1, 2015, the director ~~of development services~~ and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a comprehensive report that includes the information required by division (F)(1) of this section and a detailed analysis of the effectiveness of issuing tax credits for

rehabilitating historic buildings. The report shall be prepared with the assistance of an economic research organization jointly chosen by the director and commissioner.

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director of ~~development services~~ is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. Any such fees collected shall be credited to the fund and used to pay reasonable costs incurred by the department of development ~~services~~ in administering this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code.

The Ohio historic preservation office is authorized to charge reasonable fees in connection with its review and approval of applications under this section. Any such fees collected shall be credited to the fund and used to pay administrative costs incurred by the Ohio historic preservation office pursuant to this section.

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate owner of a tax credit certificate issued under division (D)(6) of this section may claim a tax credit equal to twenty-five per cent of the dollar amount indicated on the certificate for a total credit of not more than twenty-five million dollars. The credit claimed by such a certificate owner for any calendar year, tax year, or taxable year under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed five million dollars. If the certificate owner is eligible for more than five million dollars in total credits, the certificate owner may carry forward the balance of the credit in excess of the amount claimed for that year for not more than five ensuing calendar years, tax years, or taxable years. If the credit claimed in any calendar year, tax year, or taxable year exceeds the tax otherwise due, the excess shall be refunded to the taxpayer.

(I) The director of development ~~services~~, in consultation with the director of budget and management, shall develop and adopt a system of tracking any information necessary to anticipate the impact of credits issued under this section on tax revenues for current and future fiscal years. Such information may include the number of applications approved, the estimated rehabilitation expenditures and rehabilitation period associated with such applications, the number and amount of tax credit certificates issued, and any other information the director of budget and management requires for the purposes of this division.

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

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

(a) Medical records;

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

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

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

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

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

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

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

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

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

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

(m) Intellectual property records;

- (n) Donor profile records;
- (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;
- (p) Designated public service worker residential and familial information;
- (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;
- (r) Information pertaining to the recreational activities of a person under the age of eighteen;
- (s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;
- (t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;
- (u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;
- (v) Records the release of which is prohibited by state or federal law;
- (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;
- (x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;
- (y) Records listed in section 5101.29 of the Revised Code;

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

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

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

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

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

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

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

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

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

(ii) Any depiction by photograph, film, videotape, or printed or digital

image under either of the following circumstances:

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

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

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

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

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

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

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

(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers

described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

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

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

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

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

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

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

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

(4) "Trial preparation record" means any record that contains

information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

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

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

(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.

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

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

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

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

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

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

designated public service worker;

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

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

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

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

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

"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

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

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

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

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

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

department of youth services.

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

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

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

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

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

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

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

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

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

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

(b) The social security number, birth date, or photographic image of a

person under the age of eighteen;

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

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

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

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

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

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

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) The interior of a residence, unless the interior of a residence is the

location of an adversarial encounter with, or a use of force by, a peace officer;

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

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

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

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

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

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

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

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

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

~~(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.~~

(B)(1) Upon request by any person and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public

office to make the redaction.

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or

deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the requester. Nothing in this section requires a public office or person responsible for the public record to allow the requester of a copy of the public record to make the copies of the public record.

(7)(a) Upon a request made in accordance with division (B) of this section and subject to division (B)(6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is transmitted other than by United States mail, and to pay in advance the costs incurred for other supplies used in the mailing, delivery, or transmission.

(b) Any public office may adopt a policy and procedures that it will follow in transmitting, within a reasonable period of time after receiving a request, copies of public records by United States mail or by any other means of delivery or transmission pursuant to division (B)(7) of this section. A public office that adopts a policy and procedures under division (B)(7) of this section shall comply with them in performing its duties under that division.

(c) In any policy and procedures adopted under division (B)(7) of this section:

(i) A public office may limit the number of records requested by a person that the office will physically deliver by United States mail or by

another delivery service to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes;

(ii) A public office that chooses to provide some or all of its public records on a web site that is fully accessible to and searchable by members of the public at all times, other than during acts of God outside the public office's control or maintenance, and that charges no fee to search, access, download, or otherwise receive records provided on the web site, may limit to ten per month the number of records requested by a person that the office will deliver in a digital format, unless the requested records are not provided on the web site and unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

(iii) For purposes of division (B)(7) of this section, "commercial" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(8) A public office or person responsible for public records is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation or prosecution if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

(9)(a) Upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of the agency employing a specified designated public service worker shall disclose to the journalist the address of the actual personal residence of the designated public service worker and, if the designated public service worker's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the designated public service worker's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's

employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B)(9)(a) of this section also applies to journalist requests for:

(i) Customer information maintained by a municipally owned or operated public utility, other than social security numbers and any private financial information such as credit reports, payment methods, credit card numbers, and bank account information;

(ii) Information about minors involved in a school vehicle accident as provided in division (A)(1)(gg) of this section, other than personal information as defined in section 149.45 of the Revised Code.

(c) As used in division (B)(9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A)(1)(ii) of this section to the victim, victim's attorney, or victim's representative.

(C)(1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an obligation in accordance with division (B) of this section, the person allegedly aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or the clerk of the court of common pleas under section 2743.75 of the Revised Code;

(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C)(2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals

for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C)(1) of this section, the

following apply:

(a)(i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public

records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section:

(a) The fees shall be construed as remedial and not punitive.

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section.

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.

(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section.

(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place.

(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a

public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours.

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F)(1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or

resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.

(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services.

(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

(H)(1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A)(17)(b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to

this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Sec. 149.434. (A) Each public office or person responsible for public records shall maintain a database or a list that includes the name ~~and date of birth~~ of all public officials and employees elected to or employed by that public office. The database or list is a public record and shall be made available upon a request made pursuant to section 149.43 of the Revised Code.

(B) As used in this section:

(1) "Employee" has the same meaning as in section 9.40 of the Revised Code.

(2) "Public official" has the same meaning as in section 117.01 of the Revised Code.

(3) "Public record" has the same meaning as in section 149.43 of the Revised Code.

Sec. 153.013. (A) As used in this section, "indefinite delivery indefinite quantity contract" means a contract for an indefinite quantity, within stated limits, of supplies or services that will be delivered by the awarded bidder over a defined contract period.

(B) The executive director of the capitol square review and advisory board, with the approval of the board, may advertise and seek bids for, and may award, an indefinite delivery indefinite quantity contract for an architect or engineer on an on-call, multi-project basis, to advise and consult with the capitol square review and advisory board for a defined contract period. To enter into an indefinite delivery indefinite quantity contract the executive director shall do all of the following:

(1) Prepare bidding documents;

(2) Establish contract forms;

(3) Determine contract terms and conditions, including the following:

(a) The maximum overall value of the contract, which may include an allowable increase of five per cent of the advertised contract value;

(b) The duration of the contract, not to exceed two years.

(4) Take any other action necessary to fulfill the duties and obligations of the executive director under this section.

(C) The requirements set forth in this section prevail in the event of any

conflict with any other provision of this chapter.

Sec. 153.59. Every contract for or on behalf of the state, or any township, county, or municipal corporation of the state, for the construction, alteration, or repair of any public building or public work in the state shall contain provisions by which the contractor agrees to both of the following:

(A) That, in the hiring of employees for the performance of work under the contract or any subcontract, no contractor, subcontractor, or any person acting on a contractor's or subcontractor's behalf, by reason of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color, shall discriminate against any citizen of the state in the employment of labor or workers who is qualified and available to perform the work to which the employment relates;

(B) That no contractor, subcontractor, or any person on a contractor's or subcontractor's behalf, in any manner, shall discriminate against or intimidate any employee hired for the performance of work under the contract on account of race, creed, sex, disability or military status as defined in section 4112.01 of the Revised Code, or color.

The department of ~~administrative services~~ development shall ensure that no capital moneys appropriated by the general assembly for any purpose shall be expended unless the project for which those moneys are appropriated provides for an affirmative action program for the employment and effective utilization of disadvantaged persons whose disadvantage may arise from cultural, racial, or ethnic background, or other similar cause, including, but not limited to, race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

In awarding contracts for capital improvement projects, the department shall ensure that equal consideration be given to contractors, subcontractors, or joint venturers who qualify as a minority business enterprise. As used in this section, "minority business enterprise" means a business enterprise that is owned or controlled by one or more socially or economically disadvantaged persons who are residents of this state. "Socially or economically disadvantaged persons" means persons, regardless of marital status, who are members of groups whose disadvantage may arise from discrimination on the basis of race, religion, sex, disability or military status as defined in section 4112.01 of the Revised Code, national origin, ancestry, or other similar cause.

Sec. ~~155.011~~ 155.29. The owner of any tract of land in which the state has retained the gas, oil, coal, and other mineral rights and right of entry may acquire such rights by purchase from the state. Such owner desiring to

purchase such rights shall make application to the director of administrative services. This application shall be in such manner and form and shall contain such information as prescribed by the director. The said application shall have a deposit of a sum sufficient to pay the appraisal fees together with evidence of title to the land in which the applicant desires to purchase the mineral rights affixed thereto.

Upon receipt of the application, evidence of title, and the deposit, the director shall cause the mineral rights to be appraised by three disinterested persons. The director shall determine the fee that each appraiser shall receive. All appraisal fees shall be paid from the deposit posted by the applicant. If the deposit exceeds the appraisal fees the balance shall be returned to the applicant.

The appraisal value when approved by the director of administrative services shall constitute the purchase price. The director shall notify the applicant of the purchase price by certified or registered mail. Upon receipt of the purchase price ~~by the director of administrative services, the auditor of state~~ director shall prepare, with the assistance of the attorney general, a deed which shall be executed by the governor, countersigned by the secretary of state, recorded in the office of the ~~auditor of state~~ director of administrative services, and delivered to the purchaser; provided, that if the purchase price has not been received within ninety days after notice of the purchase price was delivered to the applicant, the purchase price shall no longer be valid and a new application shall be instituted, a new deposit tendered, and a new appraisal had on the mineral rights.

If the applicant fails to purchase the mineral rights within one year from the date of the initial application instituted by such applicant, a purchase by such applicant may be had only upon a determination by the director of administrative services that such sale would be in the best interests of the state.

Any deed of conveyance issued under authority of this section shall be subject to existing easements, rights-of-way, and legal highways.

Net sale proceeds shall be credited to the general revenue fund except when the rights disposed of were entrusted to the state for school or religious purposes.

Sec. ~~4509.70~~ 155.30. As used in sections ~~4509.70~~ 155.30 to ~~4509.77~~ 155.36 of the Revised Code:

(A) "~~Class 1 property~~" means ~~property owned or controlled by a state agency concerning which there are no encumbrances or deed restrictions that limit the exploration or drilling for oil or gas on the property.~~

(B) "~~Class 2 property~~" means ~~property that is owned or controlled by a~~

~~state university or college or that is owned or controlled by another state agency concerning which there is a federal encumbrance or monetary interest that limits or prohibits the exploration or drilling for oil or gas on the property.~~

~~(C) "Class 3 property" means property owned or controlled by a state agency to which all of the following apply:~~

~~(1) The property is not a class 2 or class 4 property.~~

~~(2) The property is of insufficient size or shape to meet the requirements for drilling a well on the property established under section 1509.24 or 1509.25 of the Revised Code.~~

~~(3) The property is necessary for pooling with other parcels of property for the purpose of forming a drilling unit in order to meet the requirements for drilling a well established under section 1509.24 or 1509.25 of the Revised Code.~~

~~(D) "Class 4 property" means property owned or controlled by a state agency concerning which there is a provision in the deed that limits the exploration or drilling for oil or gas on the property.~~

~~(E) "Formation" means any of the following:~~

~~(1) The distance from the surface of the land to the top of the Onondaga limestone;~~

~~(2) The distance from the top of the Onondaga limestone to the bottom of the Queenston formation;~~

~~(3) The distance from the bottom of the Queenston formation to the top of the Trenton limestone;~~

~~(4) The distance from the top of the Trenton limestone to the top of the Knox formation;~~

~~(5) The distance from the top of the Knox formation to the basement rock.~~

(B) "Gross landowner royalty" means a royalty based on the proceeds received on the sale of production of oil or gas without deduction for post-production costs, but less a proportionate share of any and all taxes and government fees levied on or as a result of the production.

(C) "Post-production costs" means all costs and expenses incurred between the wellhead and the point of sale, including, without limitation, the costs of any treating, separating, dehydrating, processing, storing, gathering, transporting, compressing, and marketing.

~~(F)(D) "State agency" means both of the following:~~

~~(1) "State agency" as defined in section 1.60 of the Revised Code;~~

~~(2) "State university or college" as defined in section 3345.12 of the Revised Code.~~

Sec. ~~1509.71~~ 155.31. (A) It is the policy of the state to ~~provide access to and support~~ promote the exploration for, development of, and production of oil and natural gas resources owned or controlled by the state in an effort to use the state's natural resources responsibly.

(B) There is hereby created the oil and gas ~~leasing~~ land management commission consisting of the ~~chief of the division of geological survey~~ director of natural resources or the director's designee and the following four members appointed by the governor:

(1) Two members ~~from a list of not less than four persons with knowledge or experience in the oil and gas industry~~ recommended by a statewide organization representing the oil and gas industry;

(2) One member of the public with expertise in finance or real estate;

(3) One member representing a statewide environmental or conservation organization.

(C) Initial appointments shall be made to the commission not later than thirty days after ~~the effective date of this section~~ September 30, 2011. Of the initial members appointed to the commission, one shall serve a term of two years, one shall serve a term of three years, one shall serve a term of four years, and one shall serve a term of five years. Thereafter, terms of office of members shall be for five years from the date of appointment. Each member appointed by the governor shall hold office from the date of appointment until the end of the term for which the member was appointed. The governor shall fill a vacancy occurring on the commission by appointing a member within sixty days after the vacancy occurs. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) Three members constitute a quorum of the commission, and no action of the commission is valid unless it has the concurrence of at least three members. The commission shall keep a record of its proceedings. The ~~chief of the division of geological survey~~ director of natural resources or the director's designee shall serve as the chairperson of the commission.

(E) The governor may remove an appointed member from the commission for inefficiency, malfeasance, misfeasance, or nonfeasance.

(F) Members of the commission shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the course of the performance of their duties as members of the commission.

(G) ~~The department of natural resources~~ Not later than ninety days after

the effective date of this amendment, the commission shall furnish hire at least one staff member to provide clerical, ~~technical, legal,~~ and other services required by the commission in the performance of its duties.

~~Sec. 1509.72 155.32. (A) A state agency shall submit to the oil and gas leasing commission an inventory of each parcel of land that is owned or controlled by the agency. The inventory shall classify each parcel as a class 1, class 2, class 3, or class 4 property. The commission may request a state agency to submit documentation supporting the classification of each parcel of land.~~

~~(B) Not later than ninety days after the acquisition of a parcel of state land occurring after the effective date of this section, the state agency that owns or controls the parcel shall classify the parcel in the same manner that parcels are classified under division (A) of this section.~~

~~(C) The department of natural resources shall post on the department's web site a listing of each parcel of state land and the classification assigned to the parcel under this section. The commission shall provide to the department the information necessary for the department to comply with this division.~~

~~(D) Not later than two hundred seventy days after the effective date of this section, the director of natural resources shall adopt rules in accordance with Chapter 119. of the Revised Code establishing The oil and gas land management commission shall establish procedures and requirements for publishing notice on the ~~department's~~ commission's web site of each nomination received by the commission under section ~~1509.73 155.33~~ of the Revised Code for a period of not less than twenty-one days prior to the commission's approval or disapproval of each nomination. The notification shall identify the formation within a parcel of land that is the subject of a nomination and include a statement that a person may submit comments to the commission concerning the nomination. The commission ~~shall provide to the department the information necessary for the department to comply with this division~~ also shall notify the state agency that owns or controls the parcel of land for which a nomination was received identifying the parcel of land that is the subject of the nomination and including a statement that the state agency may submit comments to the commission concerning the nomination.~~

~~Sec. 1509.73 155.33. (A)(1) Beginning on September 30, 2011, and ending on the effective date of the rules adopted under section 1509.74 155.34 of the Revised Code, a state agency, ~~in consultation with the oil and gas leasing commission,~~ may lease a formation within a parcel of land that is owned or controlled by the state agency for the exploration for and~~

development and production of oil or natural gas. ~~The state agency shall establish bid fees, signing fees, rentals, and at least a one-eighth landowner royalty~~ lease shall be on terms that are just and reasonable, as determined by custom and practice in the oil and gas industry, and shall include at least the terms required under division (A)(1)(a) to (e) of section 155.34 of the Revised Code. On and after the effective date of the rules adopted under ~~section 1509.74~~ 155.34 of the Revised Code, a formation within a parcel of land that is owned or controlled by a state agency may be leased for the exploration for and development and production of oil or natural gas only in accordance with divisions (A)(2) to (H) of this section and those rules.

~~(2) Not earlier than two hundred seventy days after September 30, 2011, a person that is an owner and~~ On and after the effective date of rules adopted under section 155.34 of the Revised Code, any person or state agency that is interested in leasing a formation within a parcel of land that is owned or controlled by a state agency for the exploration for and the development and production of oil or natural gas may submit to the oil and gas leasing land management commission a nomination that identifies the parcel of land. A person submitting a nomination shall submit it in the manner and form established in rules adopted under section 1509.74 of the Revised Code and shall include with the nomination both all of the following:

~~(a) The information required by those rules~~ The name of the person making the nomination and the person's address, telephone number, and email address;

~~(b) The nomination fee established in those rules~~ An identification of the formation and parcel of land proposed to be leased that specifies all of the following:

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial;

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located;

(iii) A plat map depicting the area in which the parcel is located.

(c) If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars;

(d) The proposed lease bonus that applies to the nomination;

(e) If the person making the nomination is not a state agency, proof of both of the following:

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(ii) That the person has registered with and obtained an identification

number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A)(2)(b) of this section may be disclosed to the public until a person is selected under division (F) of this section. Until a person is selected under division (F) of this section, all other information submitted under division (A)(2) of this section is confidential, shall not be disclosed by the commission, and is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

(4) When a nomination is not submitted by a state agency, the nomination is the opening bid for purposes of division (D) of this section. However, the person submitting the nomination may supplement or amend that bid by providing additional information in accordance with that division.

~~(B)(1) Not less than thirty days, but not more than one hundred twenty days following the receipt of a nomination of a parcel of land, the commission shall conduct a meeting for the purpose of determining whether to approve or disapprove the nomination for the purpose of leasing a formation within the parcel of land that is identified in the nomination. The commission also shall review the nomination of the parcel of land and determine if the parcel of land has been classified under section 1509.72 of the Revised Code. If the parcel of land that is the subject of the nomination has not been classified, the commission immediately shall send a copy of the nomination to the state agency that owns or controls the parcel that is the subject of the nomination. Not later than fifteen days after receipt of a copy of the nomination, the state agency shall classify the parcel of land as a class 1, class 2, class 3, or class 4 property and submit the classification to the commission. On receipt of the state agency's classification of the parcel of land, the commission shall provide the department of natural resources the information necessary for the department to comply with divisions (C) and (D) of section 1509.72 of the Revised Code.~~

~~After a parcel of land that is the subject of a nomination has been classified under section 1509.72 of the Revised Code or division (B)(1) of this section, as applicable, the commission shall approve or disapprove the nomination. In making its decision to approve or disapprove the nomination of the parcel of land, the commission shall consider all of the following:~~

~~(a) The economic benefits, including the potential income from an oil or natural gas operation, that would result if the lease of a formation that is the subject of the nomination were approved;~~

(b) Whether the proposed oil or gas operation is compatible with the current uses of the parcel of land that is the subject of the nomination;

(c) The environmental impact that would result if the lease of a formation that is the subject of the nomination were approved;

(d) Any potential adverse geological impact that would result if the lease of a formation that is the subject of the nomination were approved;

(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;

(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;

(g) Any comments or objections to the nomination submitted to the commission by the state agency that owns or controls the parcel of land on which the proposed oil or natural gas operation would take place;

(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;

(i) ~~Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code~~ Any special terms and conditions the state agency included in its comments or objections that the state agency believes are appropriate for the lease of the parcel of land because of specific conditions related to that parcel of land.

~~(2) The commission shall disapprove a nomination of a parcel of land that is a class 3 property. The commission shall send notice of the disapproval by certified mail to the person that submitted the nomination.~~

~~(3) Prior to making its decision to approve or disapprove a nomination, the commission shall notify the state agency that owns or controls the land on which the oil or gas operation would take place.~~

~~(4) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the~~ The commission shall be sent post notice of the commission's decision on the commission's web site and send notice of the decision by email and by certified mail to the person that submitted the nomination and to the state agency that owns or controls the formation within the parcel of land that is the subject of the nomination.

~~(5) If the commission approves a nomination, the commission shall notify the state agency that owns or controls the parcel of land that is the subject of a nomination of the commission's approval of the nomination. The notification shall request the state agency to submit to the commission~~

~~special terms and conditions that will apply to the lease of a formation within the parcel of land because of specific conditions related to the parcel of land. The state agency shall submit the special terms and conditions not later than sixty days after receipt of a notice from the commission.~~

~~(6) If the commission approves a nomination for a parcel of land that is a class 1 property, the commission shall offer for lease each formation that is within the parcel of land. If the commission approves a nomination for a parcel of land that is a class 2 or class 4 property, the commission shall not offer for lease any formation that is within the parcel of land unless the state agency that owns or controls the parcel of land notifies the commission that a formation or formations that are within the parcel of land may be offered for lease.~~

(C) Each calendar quarter, the commission shall proceed to advertise for bids for a lease for a formation within a parcel of land that was the subject of a nomination approved during the previous calendar quarter ~~that is a class 1 property or that is a class 2 or class 4 property for which the commission has received notice from the state agency that owns or controls the parcel of land under division (B)(6) of this section that a formation or formations that are within the parcel of land may be offered for lease.~~ The advertisement shall be provided to the department of natural resources, and the department commission shall publish the advertisement on its web site for a period of time established by the commission. The advertisement shall include all of the following:

~~(1) The procedure for the submission of a bid to enter into a lease for a formation within a parcel of land~~ An identification of each formation and parcel of land proposed to be leased that includes all of the information specified in division (A)(2)(b) of this section;

~~(2) The deadline for the submission of bids;~~

~~(3) A statement that each bid must contain all of the items required under division (D) of this section;~~

~~(4) A statement that a standard lease form that is consistent with the practices of the oil and natural gas industries and adopted by rule by the commission will be used for the lease of a formation within the parcel of land;~~

~~(3) A copy of the standard lease form that will be used for the lease of a formation within the parcel of land;~~

~~(4) Special~~(5) Any special terms and conditions, ~~if applicable,~~ that may apply to the lease because of specific conditions related to the parcel of land;

~~(5)(6) The amount of the bid fee that is required to be submitted with a bid;~~

~~(6)~~(7) Any other information that the commission considers pertinent to the advertisement for bids.

(D) A person ~~submitting a bid to enter into a lease under this section shall pay a bid fee established in rules adopted under section 1509.74 of the Revised Code~~ interested in leasing a formation within a parcel of land owned or controlled by a state agency for the exploration for and development and production of oil or natural gas may submit a bid to the commission on a parcel by parcel basis that contains all of the following:

(1) A bid fee of twenty-five dollars;

(2) The name of the person making the bid and the person's address, telephone number, and email address;

(3) An identification of the formation and parcel of land for which the bid is being submitted, including all of the information specified in division (A)(2)(b) of this section;

(4) The proposed lease bonus that applies to the bid;

(5) Proof of both of the following:

(a) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(b) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(6) Any other information that the person believes is relevant to the bid.

(E) In order to encourage the submission of bids and the responsible and reasonable development of the state's natural resources, the information that is contained in a bid submitted to the commission under this section ~~shall be~~ is confidential, shall not be disclosed by the commission, and shall not be disclosed before is not a public record subject to inspection and copying under section 149.43 of the Revised Code until a person is selected under division (F) of this section unless the commission determines otherwise.

~~(F) The commission shall establish a deadline for the submission of bids for each lease regarding a particular parcel of land and shall notify the department of the deadline. The department shall post the deadline for the submission of bids for each lease on the department's web site. A person shall submit a bid in accordance with the procedures and requirements established by the commission in rules adopted under section 1509.74 of the Revised Code.~~

The commission shall select the person who submits the highest and best bid ~~for each formation within that parcel of land~~, taking into account the financial responsibility of the prospective lessee and the ability of the prospective lessee to perform its obligations under the lease. After the

commission selects a person, the commission shall notify the applicable state agency and send the person's bid to the agency. The state agency shall enter into a lease with the person selected by the commission.

~~(G)(1)~~ Except as otherwise provided in ~~division (G)(2) of this section 155.37 of the Revised Code~~, all money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section shall be paid by the state agency into the state treasury to the credit of the state land royalty fund created in section 131.50 of the Revised Code.

~~(2) Money received by a state agency from signing fees, rentals, and royalty payments for leases entered into under this section on land owned or controlled by the division of forestry, wildlife, or parks and watercraft in the department of natural resources shall be deposited into one of the following funds, as applicable:~~

~~(a) The forestry mineral royalties fund created in section 1503.012 of the Revised Code if the lease pertains to land owned or controlled by the division of forestry;~~

~~(b) The wildlife habitat fund created in section 1531.33 of the Revised Code if the lease pertains to land owned or controlled by the division of wildlife;~~

~~(c) The parks mineral royalties fund created in section 1546.24 of the Revised Code if the lease pertains to land owned or controlled by the division of parks and watercraft.~~

~~(H)~~ All money received from nomination fees and bid fees shall be paid into the state treasury to the credit of the oil and gas leasing land management commission administration fund created in section ~~1509.75~~ 155.35 of the Revised Code.

~~(H)~~ Notwithstanding any other provision of this section to the contrary, a nature preserve as defined in section 1517.01 of the Revised Code that is owned or controlled by a state agency shall not be nominated or leased under this section for the purpose of exploring for and developing and producing oil and natural gas resources.

~~Sec. 1509.74~~ 155.34. ~~(A)~~ Not later than ~~two one hundred seventy twenty~~ two one hundred seventy twenty days after the effective date of this ~~section~~ amendment, the oil and gas leasing land management commission shall adopt rules in accordance with Chapter 119. of the Revised Code establishing ~~all~~ both of the following:

~~(A) The form of and the information to be included in nominations that are submitted under section 1509.73 of the Revised Code;~~

~~(B) Procedures for the submission of nominations to the commission and the amount of nomination fees to be charged. The rules shall require that if a person who has paid a nomination fee does not enter into a lease~~

~~regarding the parcel of land that the person nominated, the fee shall be refunded to the person, and, if applicable, the person that enters into the lease shall pay the nomination fee. In addition, the rules shall provide that a state agency is exempt from nomination fees and that a person who enters into a lease regarding a parcel of land nominated by a state agency shall pay the nomination fee.~~

~~(C) Factors that the commission may consider when determining whether to approve or disapprove a nomination submitted under section 1509.73 of the Revised Code;~~

~~(D) Procedures and requirements for the submission of bids for a lease under section 1509.73 of the Revised Code;~~

~~(E) The amount of bid fees to be charged for the submission of bids to enter into leases under section 1509.73 of the Revised Code;~~

~~(F)(1) A standard lease form that shall be used by a state agency for leases entered into under this chapter that is consistent with the practices of the oil and natural gas industries and that contains ~~at~~ all of the following:~~

~~(a) A prohibition against the use of the surface of the parcel of land for oil and gas development unless the state agency, in its sole discretion, chooses to negotiate and execute a written surface use agreement established under this section;~~

~~(b) A least a one-eighth gross landowner royalty, which standard lease form shall be used by a state agency for leases entered into under section 1509.73 of the Revised Code;~~

~~(c) A primary term of three years;~~

~~(d) An option for the lessee to extend the primary term of the lease for an additional three years by tendering to the state agency the same bonus paid when first entering into the lease.~~

~~(G)(2) Any other procedures and requirements that the commission determines necessary to implement sections ~~1509.70~~ 155.30 to ~~1509.77~~ 155.36 of the Revised Code.~~

~~(B) Not later than one hundred and twenty days after the effective date of this amendment, the commission shall establish a standard surface use agreement that a state agency shall use to authorize the use of the surface of a leased parcel of land.~~

~~(C) Section 121.95 of the Revised Code does not apply to rules adopted under this section and the commission is not subject to any requirements of that section.~~

~~Sec. ~~1509.75~~ 155.35. There is hereby created in the state treasury the oil and gas ~~leasing~~ land management commission administration fund consisting of the proceeds of nomination fees and bid fees credited to it~~

under section ~~1509.73~~ 155.33 of the Revised Code. Money in the fund shall be used by the oil and gas ~~leasing~~ land management commission ~~and the department of natural resources~~ to pay the administrative expenses of the commission ~~and the department~~ regarding the implementation of sections ~~1509.70~~ 155.30 to ~~1509.77~~ 155.36 of the Revised Code. Money in the fund also shall be used to pay the actual and necessary expenses incurred by members of the commission in the course of the performance of their duties.

Sec. ~~1509.77~~ 155.36. A state agency that owns or controls a parcel of land ~~that is a class 3 property~~ for which a nomination for that land has been denied under section ~~1509.73~~ 155.33 of the Revised Code may enter into written agreements to use that parcel of land to form a drilling unit that conforms to the minimum acreage and distance requirements established under section 1509.24 or 1509.25 of the Revised Code.

Sec. ~~1509.78~~ 155.37. ~~Notwithstanding any other provision of the Revised Code, not~~ Not less than thirty per cent of the proceeds from a lease executed on and after September 30, 2011, for the exploration and production of oil or gas within or under a state park established under Chapter 1546. of the Revised Code shall be credited to the applicable fund created in the state treasury that supports the state park. The department of natural resources shall use the money credited to the applicable fund from a lease for expenses associated with the state park within or under which the oil or gas exploration and production occurred. Money credited shall be used for capital improvements.

Sec. 166.01. As used in this chapter:

(A) "Allowable costs" means all or part of the costs of project facilities, eligible projects, eligible innovation projects, eligible research and development projects, eligible advanced energy projects, or eligible logistics and distribution projects, including costs of acquiring, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping, or furnishing project facilities, eligible projects, eligible innovation projects, eligible research and development projects, eligible advanced energy projects, or eligible logistics and distribution projects, site clearance and preparation, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies, and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and distribution project, or providing project facilities or facilities related to an eligible project, an eligible innovation project, an eligible research and development project, an

eligible advanced energy project, or an eligible logistics and distribution project, architectural, engineering, and legal services fees and expenses, the costs of conducting any other activities as part of a voluntary action, and such other expenses as may be necessary or incidental to the establishment or development of an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and distribution project, and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs.

(B) "Allowable innovation costs" includes allowable costs of eligible innovation projects and, in addition, includes the costs of research and development of eligible innovation projects; obtaining or creating any requisite software or computer hardware related to an eligible innovation project or the products or services associated therewith; testing (including, without limitation, quality control activities necessary for initial production), perfecting, and marketing of such products and services; creating and protecting intellectual property related to an eligible innovation project or any products or services related thereto, including costs of securing appropriate patent, trademark, trade secret, trade dress, copyright, or other form of intellectual property protection for an eligible innovation project or related products and services; all to the extent that such expenditures could be capitalized under then-applicable generally accepted accounting principles; and the reimbursement of moneys advanced or applied by any governmental agency or other person for allowable innovation costs.

(C) "Eligible innovation project" includes an eligible project, including any project facilities associated with an eligible innovation project and, in addition, includes all tangible and intangible property related to a new product or process based on new technology or the creative application of existing technology, including research and development, product or process testing, quality control, market research, and related activities, that is to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other eligible projects, eligible innovation projects, or innovation property, will create new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state.

(D) "Eligible project" means project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create

new jobs or preserve existing jobs and employment opportunities and improve the economic welfare of the people of the state. "Eligible project" includes, without limitation, a voluntary action. For purposes of this division, "new jobs" does not include existing jobs transferred from another facility within the state, and "existing jobs" includes only those existing jobs with work places within the municipal corporation or unincorporated area of the county in which the eligible project is located.

"Eligible project" does not include project facilities to be acquired, established, expanded, remodeled, rehabilitated, or modernized for industry, commerce, distribution, or research, or any combination of industry, commerce, distribution, or research, if the project facilities consist solely of point-of-final-purchase retail facilities. If the project facilities consist of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project facilities consisting of nonretail facilities is an eligible project. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not an eligible project. Catalog distribution facilities are not considered point-of-final-purchase retail facilities for purposes of this paragraph, and are eligible projects.

(E) "Eligible research and development project" means an eligible project, including project facilities, comprising, within, or related to, a facility or portion of a facility at which research is undertaken for the purpose of discovering information that is technological in nature and the application of which is intended to be useful in the development of a new or improved product, process, technique, formula, or invention, a new product or process based on new technology, or the creative application of existing technology.

(F) "Financial assistance" means inducements under division (B) of section 166.02 of the Revised Code, loan guarantees under section 166.06 of the Revised Code, and direct loans under section 166.07 of the Revised Code.

(G) "Governmental action" means any action by a governmental agency relating to the establishment, development, or operation of an eligible project, eligible innovation project, eligible research and development project, eligible advanced energy project, or eligible logistics and distribution project, and project facilities that the governmental agency acting has authority to take or provide for the purpose under law, including, but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee

recruitment and training, and liaison and coordination with and among governmental agencies.

(H) "Governmental agency" means the state and any state department, division, commission, institution or authority; a municipal corporation, county, or township, and any agency thereof, and any other political subdivision or public corporation or the United States or any agency thereof; any agency, commission, or authority established pursuant to an interstate compact or agreement; and any combination of the above.

(I) "Innovation financial assistance" means inducements under division (B) of section 166.12 of the Revised Code, innovation Ohio loan guarantees under section 166.15 of the Revised Code, and innovation Ohio loans under section 166.16 of the Revised Code.

(J) "Innovation Ohio loan guarantee reserve requirement" means, at any time, with respect to innovation loan guarantees made under section 166.15 of the Revised Code, a balance in the innovation Ohio loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding innovation loan guarantees made pursuant to section 166.15 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.15 of the Revised Code.

(K) "Innovation property" includes property and also includes software, inventory, licenses, contract rights, goodwill, intellectual property, including without limitation, patents, patent applications, trademarks and service marks, and trade secrets, and other tangible and intangible property, and any rights and interests in or connected to the foregoing.

(L) "Loan guarantee reserve requirement" means, at any time, with respect to loan guarantees made under section 166.06 of the Revised Code, a balance in the loan guarantee fund equal to the greater of twenty per cent of the then-outstanding principal amount of all outstanding guarantees made pursuant to section 166.06 of the Revised Code or fifty per cent of the principal amount of the largest outstanding guarantee made pursuant to section 166.06 of the Revised Code.

(M) "Person" means any individual, firm, partnership, association, corporation, or governmental agency, and any combination thereof.

(N) "Project facilities" means buildings, structures, and other improvements, and equipment and other property, excluding small tools, supplies, and inventory, and any one, part of, or combination of the above, comprising all or part of, or serving or being incidental to, an eligible project, an eligible innovation project, an eligible research and development project, an eligible advanced energy project, or an eligible logistics and

distribution project, including, but not limited to, public capital improvements.

(O) "Property" means real and personal property and interests therein.

(P) "Public capital improvements" means capital improvements or facilities that any governmental agency has authority to acquire, pay the costs of, own, maintain, or operate, or to contract with other persons to have the same done, including, but not limited to, highways, roads, streets, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities. For purposes of this division, "air pollution control facilities" includes, without limitation, solar, geothermal, biofuel, biomass, wind, hydro, wave, and other advanced energy projects as defined in section 3706.25 of the Revised Code.

(Q) "Research and development financial assistance" means inducements under section 166.17 of the Revised Code, research and development loans under section 166.21 of the Revised Code, and research and development tax credits under sections 5733.352 and 5747.331 of the Revised Code.

(R) "Targeted innovation industry sectors" means industry sectors involving the production or use of advanced materials, instruments, controls and electronics, power and propulsion, biosciences, and information technology, or such other sectors as may be designated by the director of development services.

(S) "Voluntary action" means a voluntary action, as defined in section 3746.01 of the Revised Code, that is conducted under the voluntary action program established in Chapter 3746. of the Revised Code.

(T) "Project financing obligations" means obligations issued pursuant to section 166.08 of the Revised Code other than obligations for which the bond proceedings provide that bond service charges shall be paid from receipts of the state representing gross profit on the sale of spirituous liquor as referred to in division (B)(4) of section 4310.10 of the Revised Code.

(U) "Regional economic development entity" means an entity that is under contract with the director to administer a loan program under this chapter in a particular area of this state.

(V) "Eligible advanced energy project" means an eligible project that is an "advanced energy project" as defined in section 3706.25 of the Revised Code.

(W) "Eligible logistics and distribution project" means an eligible project, including project facilities, to be acquired, established, expanded, remodeled, rehabilitated, or modernized for transportation logistics and distribution infrastructure purposes. As used in this division, "transportation

logistics and distribution infrastructure purposes" means promoting, providing for, and enabling improvements to the ground, air, and water transportation infrastructure comprising the transportation system in this state, including, without limitation, highways, streets, roads, bridges, railroads carrying freight, and air and water ports and port facilities, and all related supporting facilities.

~~(X) "Department of development" means the development services agency and "director of development" means the director of development services.~~

Sec. 166.03. (A) There is hereby created the facilities establishment fund within the state treasury, consisting of proceeds from the issuance of obligations as specified under section 166.08 of the Revised Code; the moneys received by the state from the sources specified in section 166.09 of the Revised Code; service charges imposed under sections 166.06 and 166.07 of the Revised Code; any grants, gifts, or contributions of moneys received by the director of development ~~services~~ to be used for loans made under section 166.07 of the Revised Code or for the payment of the allowable costs of project facilities; and all other moneys appropriated or transferred to the fund. Moneys in the loan guarantee fund in excess of the loan guarantee reserve requirement, but subject to the provisions and requirements of any guarantee contracts, may be transferred to the facilities establishment fund by the treasurer of state upon the order of the director of development ~~services~~. Moneys received by the state under Chapter 122. of the Revised Code, to the extent allocable to the utilization of moneys derived from proceeds of the sale of obligations pursuant to section 166.08 of the Revised Code, shall be credited to the facilities establishment fund. All investment earnings on the cash balance in the fund shall be credited to the fund.

(B) All moneys appropriated or transferred to the facilities establishment fund may be released at the request of the director of development ~~services~~ for payment of allowable costs or the making of loans under section 166.07 of the Revised Code, for transfer to the loan guarantee fund established in section 166.06 of the Revised Code, or for use for the purpose of or transfer to the funds established by sections 122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code and, until July 1, 2003, the fund established by section 166.031 of the Revised Code, and, until July 1, 2007, the fund established by section 122.26 of the Revised Code, but only for such of those purposes as are within the authorization of Section 13 of Article VIII, Ohio Constitution, in all cases subject to the approval of the controlling board.

(C) The department of development ~~services—agency~~, in the administration of the facilities establishment fund, is encouraged to utilize and promote the utilization of, to the maximum practicable extent, the other existing programs, business incentives, and tax incentives that department is required or authorized to administer or supervise.

Sec. 166.27. (A) As used in this section, "minority" has the same meaning as in section 184.17 of the Revised Code, except that the individual must be a resident of this state. The term also includes an economically disadvantaged individual who is a resident of this state.

(B) The director of development shall conduct outreach activities in Ohio that seek to include minorities in the loan program for logistics and distribution projects established under section 166.25 of the Revised Code. The outreach activities shall include the following, when appropriate:

(1) Identifying and partnering with historically black colleges and universities;

(2) Working with all institutions of higher education in the state to support minority faculty and students involved in logistics and distribution fields;

(3) Developing a plan to contact by telephone minority-owned businesses and entrepreneurs and other economically disadvantaged businesses to notify them of opportunities to participate in the loan program for logistics and distribution projects;

(4) Identifying minority professional and technical trade associations and economic development assistance organizations and notifying them of the loan program for logistics and distribution projects;

(5) Partnering with regional councils to foster local efforts to support minority-owned businesses or otherwise identify networks of minority-owned businesses, entrepreneurs, and individuals operating locally;

(6) Identifying minority firms and notifying them of the opportunities that exist within the investment community, including the Ohio venture capital authority created under section 150.02 of the Revised Code.

(C) The director shall publish an annual report that includes all of the following:

(1) Details of loans awarded for logistics and distribution projects;

(2) The status of loan recipients' projects funded in previous years;

(3) The amount of loans awarded for projects in economically distressed areas, and if possible to ascertain, the impact of the loans to those areas.

(D) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section

~~123.152~~122.922 of the Revised Code.

Sec. 167.03. (A) The council shall have the power to:

(1) Study such area governmental problems common to two or more members of the council as it deems appropriate, including but not limited to matters affecting health, safety, welfare, education, economic conditions, and regional development;

(2) Promote cooperative arrangements and coordinate action among its members, and between its members and other agencies of local or state governments, whether or not within Ohio, and the federal government;

(3) Make recommendations for review and action to the members and other public agencies that perform functions within the region;

(4) Promote cooperative agreements and contracts among its members or other governmental agencies and private persons, corporations, or agencies;

(5) Operate a public safety answering point in accordance with Chapter 128. of the Revised Code;

(6) Perform planning directly by personnel of the council, or under contracts between the council and other public or private planning agencies.

(B) The council may:

(1) Review, evaluate, comment upon, and make recommendations, relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region and affecting the development of the area;

(2) Act as an areawide agency to perform comprehensive planning for the programming, locating, financing, and scheduling of public facility projects within the region and affecting the development of the area and for other proposed land development or uses, which projects or uses have public metropolitan wide or interjurisdictional significance;

(3) Act as an agency for coordinating, based on metropolitan wide comprehensive planning and programming, local public policies, and activities affecting the development of the region or area.

(C) The council may, by appropriate action of the governing bodies of the members, perform such other functions and duties as are performed or capable of performance by the members and necessary or desirable for dealing with problems of mutual concern.

(D) The authority granted to the council by this section or in any agreement by the members thereof shall not displace any existing municipal, county, regional, or other planning commission or planning agency in the exercise of its statutory powers.

(E) A council, with an educational service center as its fiscal agent, that

is established to provide health care benefits to the council members' officers and employees and their dependents may ~~contract~~ do either of the following:

(1) Contract to administer and coordinate a self-funded health benefit program of a nonprofit corporation organized under Chapter 1702. of the Revised Code. A council operating a program under this division (E)(1) of this section that does not act as an administrator as defined in section 3959.01 of the Revised Code does not constitute engaging in the business of insurance and is not subject to the insurance laws of this state.

(2)(a) Acquire, establish, manage, or operate a separate business entity, including a corporation, company, organization, partnership, or trust, and utilize its unencumbered reserve funds in the acquisition, establishment, management, or operation of the business entity to the extent approved by the council's governing board and so long as the council remains sufficiently reserved, in the exercise of sound and prudent actuarial judgment, to cover the potential cost of health care benefits for the council members' officers and employees and their dependents.

(b) Where the business operations or services provided through the separate business entity constitutes engaging in the business of insurance or are otherwise subject to the insurance laws of this state, the business entity shall comply with any requirements set forth in Title XVII or Title XXXIX of the Revised Code and any other sections of the Revised Code or Administrative Code that are applicable to the business entity, and the exclusions from the requirements set forth in the Revised Code and Administrative Code that apply to the self-insurance program of the council under division (C) of section 9.833 of the Revised Code shall not apply to any such business entity or the services it offers.

Sec. 169.05. (A) Every holder required to file a report under section 169.03 of the Revised Code shall, at the time of filing, pay to the director of commerce ten per cent of the aggregate amount of unclaimed funds as shown on the report, except for aggregate amounts of fifty dollars or less in which case one hundred per cent shall be paid. The funds may be deposited by the director in the state treasury to the credit of the unclaimed funds trust fund, which is hereby created, or placed with a financial organization. Any interest earned on money in the trust fund shall be credited to the trust fund. The remainder of the aggregate amount of unclaimed funds as shown on the report, plus earnings accrued to date of payment to the director, shall, at the option of the director, be retained by the holder or paid to the director for deposit as agent for the mortgage funds with a financial organization as defined in section 169.01 of the Revised Code, with the funds to be in

income-bearing accounts to the credit of the mortgage funds, or the holder may enter into an agreement with the director specifying the obligations of the United States in which funds are to be invested, and agree to pay the interest on the obligations to the state. Holders retaining any funds not in obligations of the United States shall enter into an agreement with the director specifying the classification of income-bearing account in which the funds will be held and pay the state interest on the funds at a rate equal to the prevailing market rate for similar funds. Moneys that the holder is required to pay to the director rather than to retain may be deposited with the treasurer of state, or placed with a financial organization.

Securities and other intangible property transferred to the director shall, within a reasonable time, be converted to cash and the proceeds deposited as provided for other funds.

One-half of the funds evidenced by agreements, in income-bearing accounts, or on deposit with the treasurer of state shall be allocated on the records of the director to the mortgage insurance fund created by section 122.561 of the Revised Code. Out of the remaining half, after allocation of sufficient moneys to the minority business bonding fund to meet the provisions of division (B) of this section, the remainder shall be allocated on the records of the director to the housing development fund created by division (A) of section 175.11 of the Revised Code.

(B) The director shall serve as agent for the director of development and as agent for the Ohio housing finance agency in making deposits and withdrawals and maintaining records pertaining to the minority business bonding fund created by section 122.88 of the Revised Code, the mortgage insurance fund, and the housing development fund created by section 175.11 of the Revised Code. Funds from the mortgage insurance fund are available to the director of development when those funds are to be disbursed to prevent or cure, or upon the occurrence of, a default of a mortgage insured pursuant to section 122.451 of the Revised Code. Funds from the housing development fund are available upon request to the Ohio housing finance agency, in an amount not to exceed the funds allocated on the records of the director, for the purposes of section 175.05 of the Revised Code. Funds from the minority business bonding fund are available to the director of development upon request to pay obligations on bonds the director writes pursuant to section 122.88 of the Revised Code; except that, unless the general assembly authorizes additional amounts, the total maximum amount of moneys that may be allocated to the minority business bonding fund under this division is ten million dollars.

When funds are to be disbursed, the appropriate agency shall call upon

the director to transfer the necessary funds to it. The director shall first withdraw the funds paid by the holders and deposited with the treasurer of state or in a financial institution as agent for the funds. Whenever these funds are inadequate to meet the request, the director shall provide for a withdrawal of funds, within a reasonable time and in the amount necessary to meet the request, from financial institutions in which the funds were retained or placed by a holder and from other holders who have retained funds, in an equitable manner as the director prescribes. In the event that the amount to be withdrawn from any one holder is less than five hundred dollars, the amount to be withdrawn is at the director's discretion. The director shall then transfer to the agency the amount of funds requested.

Funds deposited in the unclaimed funds trust fund are subject to call by the director when necessary to pay claims the director allows under section 169.08 of the Revised Code, in accordance with the director's rules, to defray the necessary costs of making publications this chapter requires and to pay other operating and administrative expenses the department of commerce incurs in the administration and enforcement of this chapter.

The unclaimed funds trust fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures the director of commerce prescribes ~~and the director of budget and management approves~~. The assessment shall be paid from the unclaimed funds trust fund to the division of administration fund.

(C) Earnings on the accounts in financial organizations to the credit of the mortgage funds shall, at the option of the financial organization, be credited to the accounts at times and at rates as earnings are paid on other accounts of the same classification held in the financial organization or paid to the director. The director shall be notified annually, and at other times as the director may request, of the amount of the earnings credited to the accounts. Interest on unclaimed funds a holder retains shall be paid to the director or credited as specified in the agreement under which the organization retains the funds. Interest payable to the director under an agreement to invest unclaimed funds in income-bearing accounts or obligations of the United States shall be paid annually by the holder to the director. Any earnings or interest the director receives under this division shall be deposited in and credited to the mortgage funds.

Sec. 173.012. The department of aging may develop and offer training programs to area agencies on aging, long-term care facilities, providers of long-term care services, and other interested parties. The department may charge fees for the training programs. Amounts collected from charging the fees shall be deposited into the state treasury to the credit of the senior

community outreach fund, which is hereby created. Money credited to the fund may be used by the department to administer this section and to develop and offer additional training programs.

Sec. 173.38. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer.

(2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

(3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party.

(4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(5) "Consumer" means an individual who receives community-based long-term care services.

(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:

- (i) In-person contact with one or more consumers;
- (ii) Access to one or more consumers' personal property or records.

(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.

(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.

(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.

(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(12) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service.

(c) A provider in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.

(d) A subcontractor in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.

(e) A consumer in the case of either of the following:

(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or

temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;

(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, directs the person in the provision of community-based long-term care services the person provides to the consumer or who works in such a position due to being referred to the consumer by an employment service.

(13) "Subcontractor" has the meaning specified in rules adopted under this section.

(14) "Volunteer" means a person who serves in a direct-care position without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(15) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any individual who is subject to a criminal records check under section 3721.121 of the Revised Code.

(C) No responsible party shall employ an applicant or continue to employ an employee in a direct-care position if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the responsible party from employing an applicant or continuing to employ an employee included in such a database in a direct-care position.

(2) After the applicant or employee is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or

employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) Except as provided by division (G) of this section, the chief administrator of a responsible party shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the responsible party by an employment service for a direct-care position:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the responsible party is prohibited by division (C)(1) of this section from employing the applicant in the direct-care position;

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the applicant or employee;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party requests under this section. A responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if both of the following apply:

(a) The responsible party notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not pay the responsible party for the fee it pays to the bureau under this section.

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section before

conditionally employing the applicant.

(b) The applicant is referred to the responsible party by an employment service, the employment service or the applicant provides the chief administrator of the responsible party a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the responsible party when the employment service receives the results.

(2) If a responsible party employs an applicant conditionally pursuant to division (H)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the responsible party.

(3) A responsible party that employs an applicant conditionally pursuant to division (H)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible party shall terminate the applicant's employment unless the applicant meets standards specified in rules adopted under this section that permit the responsible party to employ the applicant and the responsible party chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the responsible party about the applicant's criminal record.

(I) The report of any criminal records check conducted pursuant to a

request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The chief administrator of the responsible party requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section;

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;

(c) The criminal records check is requested by a consumer who is acting as a responsible party.

(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information

in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.381. (A) As used in this section:

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code.

(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(6) "Provider" has the same meaning as in section 173.39 of the Revised Code.

(7) "Self-employed provider" means a provider who works for the provider's self and has no employees.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section ~~3701.884~~ 3740.11 of the Revised Code.

(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply:

(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider;

(b) Revoke a self-employed provider's community-based long-term care services certificate;

(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider;

(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014.

(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section:

(a) A review of the databases listed in division (E) of this section reveals any of the following:

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director

of health that the self-employed provider abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.

(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet.

(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the self-employed provider's initial application for a community-based long-term care services certificate or initial bid for a community-based long-term care services contract or grant:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the department or its designee is required by division (C) of this section to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider;

(2) That, unless the database review reveals that the department or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider, a criminal records check of the self-employed provider will be conducted and the self-employed provider is required to provide a set of the self-employed provider's fingerprint impressions as part of the criminal records check.

(E) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall conduct a database review of the self-employed provider in

accordance with rules adopted under this section. If rules adopted under this section so require, the department or its designee shall conduct a database review of a self-employed provider in accordance with the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. A database review shall determine whether the self-employed provider is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care

services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant.

If a self-employed provider for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the self-employed provider from the federal bureau of investigation in a criminal records check, the department or its designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if a self-employed provider for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the department or its designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The department or its designee shall do all of the following:

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from the self-employed provider;

(c) Forward the completed form and standard impression sheet to the superintendent.

(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau.

(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The self-employed provider or the self-employed provider's representative;

(2) The department of aging, the department's designee, or a representative of the department or its designee;

(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or provides, community-based long-term care services under a component of the medicaid program that the department of aging administers;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A refusal to issue or award a community-based long-term services certificate or community-based long-term care services contract or grant to the self-employed provider;

(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;

(c) A civil or criminal action regarding a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, exempt one or more classes of such self-employed providers from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which the department of aging or its designee is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider or to revoke or terminate a self-employed provider's certificate or contract or grant when the self-employed provider is found by a database review to be included in one or more of those databases;

(d) Standards that a self-employed provider must meet for the department or its designee to be permitted to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or not to revoke or terminate the self-employed provider's certificate or contract or grant if the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the Revised Code:

(1) "Provider" means a person or government entity that provides any

services, including community-based long-term care services, under a program the department of aging administers. "Provider" includes a person or government entity that provides home and community-based services to older adults through the PASSPORT program or assisted living program as defined in section 173.51 of the Revised Code.

(2) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(3) "PASSPORT program" and "assisted living program" have the same meanings as in section 173.51 of the Revised Code.

(B) Except as provided in section 173.392 of the Revised Code, the The department of aging ~~may~~ shall not pay a provider for providing any service, including community-based long-term care services, under a the PASSPORT program or assisted living program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided.

The department may require a provider under any other program the department administers to be certified under section 173.391 of the Revised Code. If the department requires this certification, the department shall not pay the provider for providing any service under that program unless the provider is certified under section 173.391 of the Revised Code and provides the services the service is in fact provided. If the department does not require this certification, the department shall not pay the provider for providing any service under that program unless the provider complies with section 173.392 of the Revised Code.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section;

(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:

(a) Issue a written warning;

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;

(c) Suspend referrals;

(d) Remove clients;

(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;

(f) Suspend the certification;

(g) Revoke the certification;

(h) Impose another sanction.

(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.

(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.

(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:

(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is

certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section.

(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide.

Sec. 173.392. (A) ~~The~~ In the case of a provider that the department of aging under section 173.39 of the Revised Code has not required to be certified under section 173.391 of the Revised Code, the department of aging may pay a the provider for providing services, including community-based long-term care services, under a program the department administers, ~~even though the provider is not certified under section 173.391~~

~~of the Revised Code,~~ but only if all of the following are the case:

(1) The provider has a contract with the department of aging or the department's designee to provide the services in accordance with the contract or has received a grant from the department or its designee to provide the services in accordance with a grant agreement;

(2) The contract or grant agreement includes detailed conditions of participation for the provider and service standards that the provider is required to satisfy;

(3) The provider complies with the contract or grant agreement;

(4) The contract or grant is not for medicaid-funded services, other than services provided under the PACE program administered by the department of aging under section 173.50 of the Revised Code.

(B)(1) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code governing both of the following:

(a) Contracts and grant agreements between the department of aging or its designee and providers;

(b) The department's payment for services, including community-based long-term care services, under this section.

(2) The rules adopted under this section shall be consistent with section 173.381 of the Revised Code.

Sec. 173.393. (A) Except as provided in division (B) of this section, the records of an evaluation conducted in accordance with rules adopted under division (B)(2) of section 173.391 of the Revised Code are public records for purposes of section 149.43 of the Revised Code and shall be made available on request of any person, including individuals receiving or seeking any services, including community-based long-term care services, under a program the department of aging administers.

(B) A part of a record of an evaluation that is otherwise available as a public record under division (A) of this section is not available as a public record if its release would violate a federal or state statute, regulation, or rule, including regulations adopted by the United States department of health and human services to implement the health information privacy provisions of the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended.

Sec. 174.01. As used in this chapter:

(A) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, or loan subsidies.

(B) "Grant" means funding the department of development ~~services~~ agency or the Ohio housing finance agency provides for which the relevant agency does not require repayment.

(C) "Housing" means housing for owner-occupancy and multifamily rental housing.

(D) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence. "Housing for owner-occupancy" may be any type of structure and may be owned in any type of ownership.

(E) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.

(F) "Lending institution" means any financial institution qualified to conduct business in this state, a subsidiary corporation that is wholly owned by a financial institution qualified to conduct business in this state, and a mortgage lender whose regular business is originating, servicing, or brokering real estate loans and who is qualified to do business in this state.

(G) "Loan" means any extension of credit or other form of financing or indebtedness directly or indirectly to a borrower with the expectation that it will be repaid in accordance with the terms of the underlying loan agreement or other pertinent document. "Loan" includes financing extended to lending institutions and indebtedness purchased from lending institutions.

(H) "Loan guarantee" means any agreement in favor of a lending institution or other lender in which the credit and resources of the housing trust fund are pledged to secure the payment or collection of financing extended to a borrower for the acquisition, construction, improvement, rehabilitation or preservation of housing, or to refinance any financing previously extended for those purposes by any lender.

(I) "Loan subsidy" means any deposit of funds into a lending institution with the authorization or direction that the income or revenues the deposit earns, or could have earned at competitive rates, be applied directly or indirectly to the benefit of housing assistance or financial assistance.

(J) "Low- and moderate-income persons" means individuals and families who qualify as low- and moderate-income persons pursuant to guidelines the ~~development services agency~~ department establishes.

(K) "Multifamily rental housing" means multiple unit housing intended for rental occupancy.

(L) "Nonprofit organization" means a nonprofit organization in good standing and qualified to conduct business in this state including any corporation whose members are members of a metropolitan housing authority.

~~(M) "Department of development" means the development services agency and "director of development" means the director of development~~

~~services.~~

Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development ~~services agency~~ for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development ~~services~~ shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The ~~development services agency~~ department shall administer the fund. The Ohio housing finance agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the ~~development services agency~~ department shall use the remaining money in the fund for implementing and administering its programs and duties under sections 174.03 to 174.06 of the Revised Code. Use of all money drawn from the fund is subject to the following restrictions:

(1)(a) Not more than five per cent of the current year appropriation authority for the fund shall be allocated between grants to community development corporations for the community development corporation grant program and grants and loans to the Ohio community development finance fund, a private nonprofit corporation.

(b) In any year in which the amount in the fund exceeds one hundred thousand dollars and at least that much is allocated for the uses described in this section, not less than one hundred thousand dollars shall be used to provide training, technical assistance, and capacity building assistance to nonprofit development organizations.

(2) Not more than ten per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless and emergency shelter facilities serving unaccompanied youth seventeen years of age and younger. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

(3) In any fiscal year in which the amount in the fund exceeds the amount awarded pursuant to division (A)(1)(b) of this section by at least two

hundred fifty thousand dollars, at least two hundred fifty thousand dollars from the fund shall be provided to the department of aging for the resident services coordinator program as established in section 173.08 of the Revised Code.

(4) Of all current year appropriation authority for the fund, not more than five per cent shall be used for administration.

(5) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 174.03 of the Revised Code.

(6) Not less than fifty per cent of the funds awarded during any one fiscal year, excluding the amounts awarded pursuant to divisions (A)(1), (2), and (7) of this section, shall be for grants and loans for activities that provide housing and housing assistance to families and individuals in rural areas and small cities that are not eligible to participate as a participating jurisdiction under the "HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721.

(7) No money in the fund shall be used to pay for any legal services other than the usual and customary legal services associated with the acquisition of housing.

(8) Money in the fund may be used as matching money for federal funds received by the state, counties, municipal corporations, and townships for the activities listed in section 174.03 of the Revised Code.

(B) If, after the second quarter of any year, it appears to the director ~~of development services~~ that the full amount of the money in the fund designated in that year for activities that provide housing and housing assistance to families and individuals in rural areas and small cities under division (A) of this section will not be used for that purpose, the director may reallocate all or a portion of that amount for other housing activities. In determining whether or how to reallocate money under this division, the director may consult with and shall receive advice from the housing trust fund advisory committee.

Sec. 183.021. (A) No money from the tobacco master settlement agreement fund, as that fund existed prior to the repeal of section 183.02 of the Revised Code by H.B. 119 of the 127th general assembly, shall be expended to do any of the following:

(1) Hire an executive agency lobbyist, as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code;

(2) Support or oppose candidates, ballot questions, referendums, or ballot initiatives.

(B) Nothing in this section prohibits ~~either of the following~~ the members or employees of the third frontier commission or the members of the third frontier advisory board from advocating on behalf of the specific objectives of a program funded under this chapter:

~~(1) The members of the board of trustees, executive director, or employees of the southern Ohio agricultural and community development foundation;~~

~~(2) The members or employees of the third frontier commission or the members of the third frontier advisory board.~~

Sec. 183.33. No money shall be appropriated or transferred from the general revenue fund to the law enforcement improvements trust fund, ~~southern Ohio agricultural and community development foundation endowment fund~~, biomedical research and technology transfer trust fund, or education technology trust fund.

Sec. 184.01. (A) There is hereby created the third frontier commission in the department of development ~~services agency~~. The purpose of the commission is to coordinate and administer science and technology programs to promote the welfare of the people of the state and to maximize the economic growth of the state through expansion of both of the following:

- (1) The state's high technology research and development capabilities;
- (2) The state's product and process innovation and commercialization.

(B)(1) The commission shall consist of eleven members: the director of development ~~services~~, the chancellor of ~~the Ohio board of regents~~ higher education, the governor's science and technology advisor, the chief investment officer of the nonprofit corporation formed under section 187.01 of the Revised Code, and seven persons appointed by the governor with the advice and consent of the senate.

(2) Of the seven persons appointed by the governor, one shall represent the central region, which is composed of the counties of Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; one shall represent the west central region, which is composed of the counties of Champaign, Clark, Darke, Greene, Miami, Montgomery, Preble, and Shelby; one shall represent the northeast region, which is composed of the counties of Ashland, Ashtabula, Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the northwest region, which is composed of the counties of Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer,

Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot; one shall represent the southeast region, which shall represent the counties of Adams, Athens, Belmont, Coshocton, Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and Washington; one shall represent the southwest region, which is composed of the counties of Butler, Brown, Clermont, Clinton, Hamilton, Highland, and Warren; and one shall represent the public at large. Of the initial appointments, two shall be for one year, two shall be for two years, and two shall be for three years as assigned by the governor. Thereafter, appointments shall be for three-year terms. Members may be reappointed and vacancies shall be filled in the same manner as appointments. A person must have a background in business or research in order to be eligible for appointment to the commission.

(3) The governor shall select a chairperson from among the members, who shall serve in that role at the pleasure of the governor. Sections 101.82 to 101.87 of the Revised Code do not apply to the commission.

(C) The commission shall meet at least once during each quarter of the calendar year or at the call of the chairperson. A majority of all members of the commission constitutes a quorum, and no action shall be taken without the concurrence of a majority of the members.

(D) The commission shall administer any money that may be appropriated to it by the general assembly. The commission may use such money for research and commercialization and for any other purposes that may be designated by the commission.

(E) The ~~development services agency~~ department shall provide office space and facilities for the commission. Administrative costs associated with the operation of the commission or with any program or activity administered by the commission shall be paid from amounts appropriated to the commission or to the ~~agency~~ department for such purposes.

(F) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of the Revised Code.

(G) Members of the commission shall serve without compensation, but shall receive their reasonable and necessary expenses incurred in the conduct of commission business.

(H) Members of the commission shall file financial disclosure statements described in division (B) of section 102.02 of the Revised Code.

Sec. 184.173. The third frontier commission shall conduct the outreach activities described in sections 184.171 and 184.172 of the Revised Code in

conjunction with the EDGE program created under section ~~423.152~~ 122.922 of the Revised Code.

Sec. 187.03. (A) JobsOhio may perform such functions as permitted and shall perform such duties as prescribed by law and as set forth in any contract entered into under section 187.04 of the Revised Code, but shall not be considered a state or public department, agency, office, body, institution, or instrumentality for purposes of section 1.60 or Chapter 102., 121., 125., or 149. of the Revised Code. JobsOhio and its board of directors are not subject to the following sections of Chapter 1702. of the Revised Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this division shall be construed to impair the powers and duties of the Ohio ethics commission described in section 102.06 of the Revised Code to investigate and enforce section 102.02 of the Revised Code with regard to individuals required to file statements under division (B)(2) of this section.

(B)(1) Directors and employees of JobsOhio are not employees or officials of the state and, except as provided in division (B)(2) of this section, are not subject to Chapter 102., 124., 145., or 4117. of the Revised Code.

(2) The chief investment officer, any other officer or employee with significant administrative, supervisory, contracting, or investment authority, and any director of JobsOhio shall file, with the Ohio ethics commission, a financial disclosure statement pursuant to section 102.02 of the Revised Code that includes, in place of the information required by divisions (A)(2)(b), (g), (h), and (i) of that section, the information required by divisions (A) and (B) of section 102.022 of the Revised Code. The governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

(3) Actual or in-kind expenditures for the travel, meals, or lodging of the governor or of any public official or employee designated by the governor for the purpose of this division shall not be considered a violation of section 102.03 of the Revised Code if the expenditures are made by the corporation, or on behalf of the corporation by any person, in connection with the governor's performance of official duties related to JobsOhio. The governor may designate any person, including a person who is a public official or employee as defined in section 102.01 of the Revised Code, for the purpose of this division if such expenditures are made on behalf of the person in connection with the governor's performance of official duties

related to JobsOhio. A public official or employee so designated by the governor shall comply with all applicable requirements of section 102.02 of the Revised Code.

At the times and frequency agreed to under division (B)(2)(b) of section 187.04 of the Revised Code, beginning in 2012, the corporation shall file with the ~~department of development services agency~~ a written report of all such expenditures paid or incurred during the preceding calendar year. The report shall state the dollar value and purpose of each expenditure, the date of each expenditure, the name of the person that paid or incurred each expenditure, and the location, if any, where services or benefits of an expenditure were received, provided that any such information that may disclose proprietary information as defined in division (C) of this section shall not be included in the report.

(4) The prohibition applicable to former public officials or employees in division (A)(1) of section 102.03 of the Revised Code does not apply to any person appointed to be a director or hired as an employee of JobsOhio.

(5) Notwithstanding division (A)(2) of section 145.01 of the Revised Code, any person who is a former state employee shall no longer be considered a public employee for purposes of Chapter 145. of the Revised Code upon commencement of employment with JobsOhio.

(6) Any director, officer, or employee of JobsOhio may request an advisory opinion from the Ohio ethics commission with regard to questions concerning the provisions of sections 102.02 and 102.022 of the Revised Code to which the person is subject.

(C) Meetings of the board of directors at which a quorum of the board is required to be physically present pursuant to division (F) of section 187.01 of the Revised Code shall be open to the public except, by a majority vote of the directors present at the meeting, such a meeting may be closed to the public only for one or more of the following purposes:

(1) To consider business strategy of the corporation;

(2) To consider proprietary information belonging to potential applicants or potential recipients of business recruitment, retention, or creation incentives. For the purposes of this division, "proprietary information" means marketing plans, specific business strategy, production techniques and trade secrets, financial projections, or personal financial statements of applicants or members of the applicants' immediate family, including, but not limited to, tax records or other similar information not open to the public inspection.

(3) To consider legal matters, including litigation, in which the corporation is or may be involved;

(4) To consider personnel matters related to an individual employee of the corporation.

(D) The board of directors shall establish a reasonable method whereby any person may obtain the time and place of all public meetings described in division (C) of this section. The method shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all such meetings.

(E) The board of directors shall promptly prepare, file, and maintain minutes of all public meetings described in division (C) of this section.

(F) Not later than ~~March 1, 2012, and~~ the first day of ~~March~~ July of each year ~~thereafter~~, the chief investment officer of JobsOhio shall prepare and submit a report of the corporation's activities for the preceding year to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate. The annual report shall include the following:

(1) An analysis of the state's economy;

(2) A description of the structure, operation, and financial status of the corporation;

(3) A description of the corporation's strategy to improve the state economy and the standards of measure used to evaluate its progress;

(4) An evaluation of the performance of current strategies and major initiatives;

(5) An analysis of any statutory or administrative barriers to successful economic development, business recruitment, and job growth in the state identified by JobsOhio during the preceding year.

~~Sec. 301.30. For twelve months after the effective date of the enactment of this section by H.B. 242 of the 133rd general assembly, no~~ No county that has adopted a charter under Section 3 of Article X, Ohio Constitution, may impose a fee, tax, assessment, or other charge on auxiliary containers, on the sales, use, or consumption of such containers, except as authorized in Chapters 5739. and 5741. of the Revised Code, or on the basis of receipts received from the sale of such containers. As used in this section, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.

Sec. 307.631. (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in the county.

(B) The boards of county commissioners of two or more counties may,

by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional drug overdose fatality review committee to review drug overdose deaths and opioid-involved deaths occurring in participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee.

(C) In any county that, on the effective date of this section, has a body that is acting as a drug overdose fatality review committee and is comprised of the members described in divisions (A)(1) and (B)(1) of section 307.632 of the Revised Code, including a public health official or designee, that body shall continue to function as the drug overdose fatality review committee for the county. The body shall have the same duties, obligations, and protections as a drug overdose fatality review committee appointed by a health commissioner.

Sec. 307.632. (A)(1) If a health commissioner establishes a drug overdose fatality review committee as described in division (A) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department in the county or the county sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of the board of alcohol, drug addiction, and mental health services for the county or the executive director's designee;

(d) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) If a health commissioner establishes a drug overdose fatality review committee as described in division (B) of section 307.631 of the Revised Code, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department or a sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee;

(d) A physician who is authorized under Chapter 4731. of the Revised

Code to practice medicine and surgery or osteopathic medicine and surgery.

The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee.

(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. Each additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a drug overdose review committee shall be filled in the same manner as the original appointment. If the health commissioner who made the original appointment as described in division (A) of this section is no longer serving in that capacity, a successor of the commissioner shall fill the vacancy.

(D) A drug overdose fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

Sec. 307.633. If a drug overdose fatality review committee is established under division (A) or (B) of section 307.631 of the Revised Code, the board of county commissioners, or if a regional drug overdose fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee.

Sec. 307.634. The purpose of a drug overdose fatality review committee is to decrease the incidence of preventable overdose deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in drug abuse prevention, education, or treatment efforts;

(B) Maintaining a comprehensive database of all overdose deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent overdose deaths;

(D) Providing the department of health with aggregate data, trends, and patterns concerning overdose deaths.

Sec. 307.635. A drug overdose fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

Sec. 307.636. (A) A drug overdose fatality review committee shall establish a system for collecting and maintaining information necessary for the review of drug overdose or opioid-involved deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

(1) Maintain all records in a secure location;

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;

(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a drug overdose or opioid-involved death.

(B) For each drug overdose or opioid-involved death reviewed by a committee, the committee shall collect all of the following:

(1) Demographic information of the deceased, including age, sex, race, and ethnicity;

(2) The year in which the death occurred;

(3) The geographic location of the death;

(4) The cause of death;

(5) Any factors contributing to the death;

(6) Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a drug overdose fatality review committee shall prepare and submit to the Ohio department of health in the manner and format prescribed by the department

a report that includes all of the following information for the previous calendar year:

(1) The total number of drug overdose or opioid-involved deaths in the county or region;

(2) The total number of drug overdose or opioid-involved deaths reviewed by the committee;

(3) A summary of demographic information for the deaths reviewed, including age, sex, race, and ethnicity;

(4) A summary of any trends or patterns identified by the committee.

The report shall specify the number of drug overdose or opioid-involved deaths that were not reviewed during the previous calendar year.

The report shall include recommendations for actions that might prevent other deaths, as well as any other information the review board determines should be included.

(D) Reports prepared under division (C) of this section shall be considered public records under section 149.43 of the Revised Code.

Sec. 307.637. (A)(1) Notwithstanding section 3701.17 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a drug overdose fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person to which the individual or entity has access.

(c) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(2) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a drug overdose fatality review committee while an investigation of the death or prosecution of a person for causing the

death is pending unless the prosecuting attorney has agreed pursuant to section 307.635 of the Revised Code to allow review of the death.

Sec. 307.638. (A) An individual or public or private entity providing information, documents, or reports to a drug overdose fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review committee.

Sec. 307.639. Any information, document, or report presented to a drug overdose fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.636 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.641. (A) A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a suicide fatality review committee to review deaths by suicide occurring in the county.

(B) The boards of county commissioners of two or more counties may, by adopting a joint resolution passed by a majority of the members of each participating board of county commissioners, create a regional suicide fatality review committee to serve all participating counties. The joint resolution shall appoint, for each county participating as part of the regional review committee, one health commissioner from a board of health of a city or general health district located at least in part in each county. The health commissioners appointed shall select one of their number as the health commissioner to establish the regional review committee.

(C) In any county that, on the effective date of this section, has a body that is acting as a suicide fatality review committee and is comprised of the members described in divisions (A)(1) and (B)(1) of section 307.642 of the Revised Code, including a public health official or designee, that body shall continue to function as the suicide fatality review committee for the county. The body shall have the same duties, obligations, and protections as a

suicide fatality review committee appointed by a health commissioner.

Sec. 307.642. (A)(1) If a health commissioner is appointed under division (A) of section 307.641 of the Revised Code to establish a suicide fatality review committee, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department in the county or region or the county sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) If a health commissioner is appointed under division (B) of section 307.641 of the Revised Code to establish a suicide fatality review committee, the commissioner shall select four members to serve on the review committee along with the commissioner. The review committee shall consist of the following:

(a) The chief of police of a police department or sheriff or a designee of the chief or sheriff;

(b) A public health official or the official's designee;

(c) The executive director of a board of alcohol, drug addiction, and mental health services or the executive director's designee;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

The members described in divisions (A)(2)(a) to (c) of this section shall be representatives from the most populous county served by the committee.

(B)(1) The review committee shall invite the county coroner or, in the case of a regional review committee, the county coroner from the most populous county, to serve on the committee. The review committee shall extend the invitation each time a county coroner assumes the office. The coroner shall not be required to accept the invitation. If the coroner accepts the invitation, the coroner shall have the same authority, duties, and responsibilities as members described in division (A) of this section.

(2) The majority of the members of a review committee may invite additional members to serve on the committee. The additional members shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member has the same authority, duties, and responsibilities as members described in division (A) of this section.

(C) A vacancy in a suicide fatality review committee shall be filled in the same manner as the original appointment.

(D) A suicide fatality review committee member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the committee unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment.

Sec. 307.643. The purpose of a suicide fatality review committee is to decrease the incidence of preventable suicide deaths by doing all of the following:

(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities engaged in suicide prevention, education, or mental health treatment efforts;

(B) Maintaining a comprehensive database of all suicide deaths that occur in the county or region served by the review committee in order to develop an understanding of the causes and incidence of those deaths;

(C) Recommending and developing plans for implementing local service and program changes and changes to the groups, professions, agencies, or entities that serve local residents that might prevent suicide deaths;

(D) Advising the department of health of aggregate data, trends, and patterns concerning suicide deaths.

Sec. 307.644. If a suicide fatality review committee is established under division (A) or (B) of section 307.641 of the Revised Code, the board of county commissioners, or if a regional suicide fatality review committee is established, the group of health commissioners appointed to select the health commissioner to establish the regional review committee, shall designate either the health commissioner that establishes the review committee or a representative of the health commissioner to convene meetings and be the chairperson of the review committee. If a regional review committee includes a county with more than one health district, the regional review committee meeting shall be convened in that county. If more than one of the counties participating on the regional review committee has more than one health district, the person convening the meeting shall select one of the counties with more than one health district as the county in which to convene the meeting.

Sec. 307.645. A suicide fatality review committee may not conduct a review of a death while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney agrees to allow the review. The law enforcement agency conducting the

criminal investigation, on the conclusion of the investigation, and the prosecuting attorney prosecuting the case, on the conclusion of the prosecution, shall notify the chairperson of the review committee of the conclusion.

Sec. 307.646. (A) A suicide fatality review committee shall establish a system for collecting and maintaining information necessary for the review of suicide deaths in the county or region. In an effort to ensure confidentiality, each committee shall do all of the following:

(1) Maintain all records in a secure location;

(2) Develop security measures to prevent unauthorized access to records containing information that could reasonably identify any person;

(3) Develop a system for storing, processing, indexing, retrieving, and destroying information obtained in the course of reviewing a death resulting from suicide.

(B) For each death resulting from suicide reviewed by a committee, the committee shall collect all of the following:

(1) Demographic information of the deceased, including age, sex, race, and ethnicity;

(2) The year in which the death occurred;

(3) The geographic location of the death;

(4) The cause of death;

(5) Any factors contributing to the death;

(6) Any other information the committee considers relevant.

(C) By the first day of April of each year, the person convening a suicide fatality review committee shall prepare and submit to the Ohio department of health a report that summarizes the following information about suicide deaths reviewed by the committee in the previous calendar year:

(1) The cause of death;

(2) Factors contributing to death;

(3) Age;

(4) Sex;

(5) Race;

(6) The geographic location of death;

(7) The year of death.

The report shall specify the number of suicide deaths that were not reviewed during the previous calendar year.

The report may include recommendations for actions that might prevent other suicide deaths, as well as any other information the review committee determines should be included.

(D) Reports prepared under division (C) of this section are public records under section 149.43 of the Revised Code.

Sec. 307.647. (A)(1) Notwithstanding section 3701.17 and any other section of the Revised Code pertaining to confidentiality, any individual, law enforcement agency, or other public or private entity that provided services to a person whose death is being reviewed by a suicide fatality review committee, on the request of the review committee, shall submit to the review committee a summary sheet of information.

(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the person's medical record created by the health care entity.

(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the person that the individual or entity develops in the normal course of business.

(c) On the request of the review committee, an individual or entity may, at the individual or entity's discretion, make any additional information, documents, or reports available to the review committee.

(2) For purposes of the review, the committee shall have access to confidential information provided to the committee under this section or division (D)(4) of section 2151.421 of the Revised Code, and each member of the committee shall preserve the confidentiality of that information.

(3) On the request of the review committee, a county coroner shall make available to the review committee the coroner's full and complete record as described in section 313.10 of the Revised Code that relates to the person whose death is being reviewed by the committee.

(B) Notwithstanding division (A) of this section, no person, entity, law enforcement agency, or prosecuting attorney shall provide any information regarding the death of a person to a suicide fatality review committee while an investigation of the death or prosecution of a person for causing the death is pending unless the prosecuting attorney has agreed pursuant to section 307.645 of the Revised Code to allow review of the death.

Sec. 307.648. (A) An individual or public or private entity providing information, documents, or reports to a suicide fatality review committee is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the information, documents, or reports to the review committee.

(B) Each member of a review committee is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the

review committee.

Sec. 307.649. Any information, document, or report presented to a suicide fatality review committee, all statements made by review committee members during meetings of the review committee, all work products of the review committee, and data submitted by the review committee to the department of health, other than the report prepared pursuant to section 307.646 of the Revised Code, are confidential and shall be used by the review committee, its members, and the department of health only in the exercise of the proper functions of the review committee and the department.

Sec. 307.6410. A board of county commissioners may appoint a health commissioner of the board of health of a city or general health district that is entirely or partially located in the county in which the board of county commissioners is located to establish a hybrid drug overdose fatality and suicide fatality review committee to review drug overdose deaths, opioid-involved deaths, and deaths by suicide occurring in the county. In such case, the board and hybrid committee shall follow the procedures described in sections 307.631 to 307.639 and 307.641 to 307.649 of the Revised Code. Any reference to a drug overdose fatality review committee or suicide fatality review committee shall be construed to include a hybrid committee described in this section.

Sec. 307.921. From any contracts to be awarded under sections 307.86 to 307.92 of the Revised Code, the contracting authority, as defined in section 307.92 of the Revised Code, may develop a policy to assist minority business enterprises, as defined in sections 122.71 and ~~123.15~~ 122.921 of the Revised Code.

Sec. 307.93. (A)(1) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where applicable, municipal jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county or

municipal jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center. ~~The acquisition of the facility, to the extent appropriate, may include the leasing of the Ohio river valley facility or a specified portion of that facility pursuant to division (B)(3) of this section.~~ The contract shall prescribe the manner of funding of, and debt assumption for, the center and the standards and procedures to be followed in the operation of the center. Except as provided in division (G) of this section, the contracting counties and municipal corporations shall form a corrections commission to oversee the administration of the center. Members of the commission shall consist of the sheriff of each participating county, a member of the board of county commissioners of each participating county, the chief of police of each participating municipal corporation, and the mayor or city manager of each participating municipal corporation. Any of the foregoing officers may appoint a designee to serve in the officer's place on the corrections commission.

The standards and procedures prescribed under this division shall be formulated and agreed to by the commission and may be amended at any time during the life of the contract by agreement of a majority of the voting members of the commission or by other means set forth in the contract between the contracting counties and municipal corporations. The standards and procedures formulated by the commission and amendments to them shall include, but need not be limited to, designation of the person in charge of the center, designation of a fiscal agent, the categories of employees to be employed at the center, the appointing authority of the center, and the standards of treatment and security to be maintained at the center. The person in charge of, and all persons employed to work at, the center shall have all the powers of police officers that are necessary for the proper performance of the duties and work responsibilities of the center, provided that the corrections officers of the center may carry firearms in the performance of those duties and responsibilities only in accordance with division (A)(2) of this section.

(2) The person in charge of a multicounty correctional center, or of a municipal-county or multicounty-municipal correctional center, may grant permission to a corrections officer of the center to carry firearms when required in the discharge of official duties if the corrections officer has successfully completed a basic firearm training program that is approved by the executive director of the Ohio peace officer training commission. A

corrections officer who has been granted permission to carry firearms in the discharge of official duties annually shall successfully complete a firearms requalification program in accordance with section 109.801 of the Revised Code. A corrections officer may carry firearms under authority of this division only while the officer is acting within the scope of the officer's official duties.

(B)(1) Upon the establishment of a corrections commission under division (A) of this section, the judges specified in this division shall form a judicial advisory board for the purpose of making recommendations to the corrections commission on issues of bed allocation, expansion of the center that the corrections commission oversees, and other issues concerning the administration of sentences or any other matter determined to be appropriate by the board. The judges who shall form the judicial advisory board for a corrections commission are the administrative judge of the general division of the court of common pleas of each county participating in the corrections center, the presiding judge of the municipal court of each municipal corporation participating in the corrections center, and the presiding judge of each county court of each county participating in the corrections center. If the number of the foregoing members of the board is even, the county auditor or the county auditor of the most populous county if the board serves more than one county shall also be a member of the board. Any of the foregoing judges may appoint a designee to serve in the judge's place on the judicial advisory board, provided that the designee shall be a judge of the same court as the judge who makes the appointment. The judicial advisory board for a corrections commission shall meet with the corrections commission at least once each year.

(2) Each board of county commissioners that enters a contract under division (A) of this section may appoint a building commission pursuant to section 153.21 of the Revised Code. If any commissions are appointed, they shall function jointly in the construction of a multicounty or multicounty-municipal correctional center with all the powers and duties authorized by law.

~~(3) Subject to the limitation described in this division, the boards of county commissioners that contract or have contracted for the joint establishment of a multicounty correctional center under division (A) of this section, or the boards of county commissioners of the counties and legislative authorities of the municipal corporations that contract or have contracted for the joint establishment of a municipal county or multicounty-municipal correctional center under that division, may enter into an agreement with the director of administrative services pursuant to~~

~~which the contracting counties and municipal corporations shall use the Ohio river valley facility or a specified portion of that facility as the multicounty correctional center, municipal county correctional center, or multicounty-municipal correctional center covered by the contract entered into under division (A) of this section. A contract with the director of administrative services may be entered into under this division only if one or more of the contracting counties is adjacent to Scioto county.~~

~~The department may enter into an agreement as described in this division at any time on or after September 29, 2017, or, if the department had entered into an agreement with the board of county commissioners of Lawrence county pursuant to section 341.121 of the Revised Code for the use by the sheriff of that county of a specified portion of the facility as a jail for Lawrence county, at any time on or after the date that control of the specified portion of the facility reverts to the state under division (B)(4) or (C) of that section.~~

(C) Prior to the acceptance for custody and rehabilitation into a center established under this section of any persons who are designated by the department of rehabilitation and correction, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in section 5120.161 of the Revised Code, the corrections commission of a center established under this section shall enter into an agreement with the department of rehabilitation and correction under section 5120.161 of the Revised Code for the custody and rehabilitation in the center of persons who are designated by the department, who plead guilty to or are convicted of a felony of the fourth or fifth degree, and who satisfy the other requirements listed in that section, in exchange for a per diem fee per person. Persons incarcerated in the center pursuant to an agreement entered into under this division shall be subject to supervision and control in the manner described in section 5120.161 of the Revised Code. This division does not affect the authority of a court to directly sentence a person who is convicted of or pleads guilty to a felony to the center in accordance with section 2929.16 of the Revised Code.

(D) Pursuant to section 2929.37 of the Revised Code, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty, municipal-county, or

multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center.

(E) Notwithstanding any contrary provision in this section or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the corrections commission of a center may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center to pay a reception fee, a fee for medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code.

(F)(1) The corrections commission of a center established under this section may establish a commissary for the center. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons incarcerated in the center shall receive commissary privileges. A person's purchases from the commissary shall be deducted from the person's account record in the center's business office. The commissary shall provide for the distribution to indigent persons incarcerated in the center of necessary hygiene articles and writing materials.

(2) If a commissary is established, the corrections commission of a center established under this section shall establish a commissary fund for the center. The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the auditor of state. Commissary fund revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund shall be used to purchase supplies and equipment for the benefit of persons incarcerated in the center and to pay salary and benefits for employees of the center, or for any other persons, who work in or are employed for the sole purpose of providing service to the commissary. The corrections commission shall adopt rules and regulations for the operation of any commissary fund it establishes.

(G) In lieu of forming a corrections commission to administer a multicounty correctional center or a municipal-county or multicounty-municipal correctional center, the boards of county commissioners and the legislative authorities of the municipal corporations contracting to establish the center may also agree to contract for the private operation and management of the center as provided in section 9.06 of the Revised Code, but only if the center houses only misdemeanor inmates. In

order to enter into a contract under section 9.06 of the Revised Code, all the boards and legislative authorities establishing the center shall approve and be parties to the contract.

(H) If a person who is convicted of or pleads guilty to an offense is sentenced to a term in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center or is incarcerated in the center in the manner described in division (C) of this section, or if a person who is arrested for an offense, and who has been denied bail or has had bail set and has not been released on bail is confined in a multicounty correctional center or a municipal-county or multicounty-municipal correctional center pending trial, at the time of reception and at other times the officer, officers, or other person in charge of the operation of the center determines to be appropriate, the officer, officers, or other person in charge of the operation of the center may cause the convicted or accused offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, and other contagious diseases. The officer, officers, or other person in charge of the operation of the center may cause a convicted or accused offender in the center who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including but not limited to hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(I) As used in this section:

(1) ~~"Multicounty-municipal"~~, "multicounty-municipal" means more than one county and a municipal corporation, or more than one municipal corporation and a county, or more than one municipal corporation and more than one county.

(2) ~~"Ohio river valley facility" has the same meaning as in section 341.121 of the Revised Code.~~

Sec. 319.54. (A) On all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and one-half per cent;

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the expenses associated with the increased number of applications for reductions in real property taxes under sections 323.152 and 4503.065 of the Revised Code that result from the amendment of those sections by Am. Sub. H.B. 119 of the 127th general assembly, there shall be paid from the state's general revenue fund to the county treasury, to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount equal to one per cent of the total annual amount of property tax relief reimbursement paid to that county under sections 323.156 and 4503.068 of the Revised Code for the preceding tax year. Payments made under this division shall be made at the same times and in the same manner as payments made under section 323.156 of the Revised Code.

(C) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

- (a) On the first five hundred thousand dollars, four per cent;
- (b) On the next five million dollars, two per cent;
- (c) On the next five million dollars, one per cent;
- (d) On all further sums not exceeding one hundred fifty million dollars,

three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.

(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, ~~the following percentages:~~

~~(1) Four per cent on the first one hundred thousand dollars;~~

~~(2) One half of one per cent on all additional sums.~~

~~Such percentages shall be computed upon two per cent of the amount collected and reported at each annual settlement that year in excess of refunds distributed, and shall be for the use of the general fund of the county.~~

(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county.

(G) The county auditor shall charge and receive fees as follows:

(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars;

(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it;

(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for each one hundred dollars or

fraction of one hundred dollars, whichever is greater, of the value of the real property transferred or, for sales occurring on or after January 1, 2000, the value of the used manufactured home or used mobile home, as defined in section 5739.0210 of the Revised Code, transferred, except no fee shall be charged when the transfer is made:

(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;

(b) Solely in order to provide or release security for a debt or obligation;

(c) To confirm or correct a deed previously executed and recorded or when a current owner on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property is a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and is changing the current owner name listed on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code;

(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;

(e) On sale for delinquent taxes or assessments;

(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;

(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;

(o) To a trustee acting on behalf of minor children of the deceased;

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;

(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;

(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;

(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;

(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;

(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;

(w) To a corporation for incorporation into a sports facility constructed

pursuant to section 307.696 of the Revised Code;

(x) Between persons pursuant to section 5302.18 of the Revised Code;

(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party.

(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.

The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code.

The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery.

The transfer fee for a used manufactured home or used mobile home shall be computed by and paid to the county auditor of the county in which the home is located immediately prior to the transfer.

Sec. 321.27. (A) On settlement annually with the county auditor, the county treasurer shall be allowed as fees on all moneys collected by the treasurer on estate tax duplicates ~~the following percentages: three per cent on the first one hundred thousand dollars; two per cent on the next one hundred thousand dollars; five tenths per cent on all additional sums. Such percentages shall be computed upon~~ of the amount collected and reported at each annual settlement that year in excess of refunds distributed, and shall be for the use of the general fund of the county.

(B) On settlement semiannually with the county auditor, the county treasurer shall be allowed as fees on all cigarette license moneys collected by the treasurer one-half per cent on the amount received, to be paid upon the warrant of the auditor and apportioned ratably and deducted from the shares of revenue payable to the county and subdivisions of the county under section 5743.15 of the Revised Code, for the use of the general fund

of the county.

Sec. 323.153. (A) To obtain a reduction in real property taxes under division (A) or (B) of section 323.152 of the Revised Code or in manufactured home taxes under division (B) of section 323.152 of the Revised Code, the owner shall file an application with the county auditor of the county in which the owner's homestead is located.

To obtain a reduction in real property taxes under division (A) of section 323.152 of the Revised Code, the occupant of a homestead in a housing cooperative shall file an application with the nonprofit corporation that owns and operates the housing cooperative, in accordance with this paragraph. Not later than the first day of March each year, the corporation shall obtain applications from the county auditor's office and provide one to each new occupant. Not later than the first day of May, any occupant who may be eligible for a reduction in taxes under division (A) of section 323.152 of the Revised Code shall submit the completed application to the corporation. Not later than the fifteenth day of May, the corporation shall file all completed applications, and the information required by division (B) of section 323.159 of the Revised Code, with the county auditor of the county in which the occupants' homesteads are located. Continuing applications shall be furnished to an occupant in the manner provided in division (C)(4) of this section.

(1) An application for reduction based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state, attesting to the fact that the applicant is permanently and totally disabled. The certificate shall be in a form that the tax commissioner requires and shall include the definition of permanently and totally disabled as set forth in section 323.151 of the Revised Code. An application for reduction based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

An application by a disabled veteran for the reduction under division (A)(2) of section 323.152 of the Revised Code shall be accompanied by a letter or other written confirmation from the United States department of veterans affairs, or its predecessor or successor agency, showing that the veteran qualifies as a disabled veteran.

An application by the surviving spouse of a public service officer killed in the line of duty for the reduction under division (A)(3) of section 323.152 of the Revised Code shall be accompanied by a letter or other written

confirmation from an employee or officer of the board of trustees of a retirement or pension fund in this state or another state or from the chief or other chief executive of the department, agency, or other employer for which the public service officer served when killed in the line of duty affirming that the public service officer was killed in the line of duty.

An application for a reduction under division (A) of section 323.152 of the Revised Code constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(2) An application for a reduction in taxes under division (B) of section 323.152 of the Revised Code shall be filed only if the homestead or manufactured or mobile home was transferred in the preceding year or did not qualify for and receive the reduction in taxes under that division for the preceding tax year. The application for homesteads transferred in the preceding year shall be incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property pursuant to section 319.20 of the Revised Code or of used manufactured homes or used mobile homes as defined in section 5739.0210 of the Revised Code. The owner of a manufactured or mobile home who has elected under division (D)(4) of section 4503.06 of the Revised Code to be taxed under division (D)(2) of that section for the ensuing year may file the application at the time of making that election. The application shall contain a statement that failure by the applicant to affirm on the application that the dwelling on the property conveyed is the applicant's homestead prohibits the owner from receiving the reduction in taxes until a proper application is filed within the period prescribed by division (A)(3) of this section. Such an application constitutes a continuing application for a reduction in taxes for each year in which the dwelling is the applicant's homestead.

(3) Failure to receive a new application filed under division (A)(1) or (2) or notification under division (C) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction in taxes calculated on the basis of the information contained in the original application. The original application and any subsequent application, including any late application, shall be in the form of a signed statement and shall be filed on or before the thirty-first day of December of the year for which the reduction is sought. The original application and any subsequent application for a reduction in manufactured home taxes shall be filed in the year preceding the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, which shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and

the amount of the reduction, and, except for homesteads that are units in a housing cooperative, shall include an affirmation by the applicant that ownership of the homestead was not acquired from a person, other than the applicant's spouse, related to the owner by consanguinity or affinity for the purpose of qualifying for the real property or manufactured home tax reduction provided for in division (A) or (B) of section 323.152 of the Revised Code. The form shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (C) of this section results in the revocation of the right to the reduction for a period of three years. In the case of an application for a reduction in taxes for persons described in division (A)(1)(b)(iii) of section 323.152 of the Revised Code, the form shall contain a statement that signing the application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records relating to the income of the applicant as stated on the application for the purpose of determining eligibility for the exemption or a possible violation of division (D) or (E) of this section.

(B) A late application for a tax reduction for the year preceding the year in which an original application is filed, or for a reduction in manufactured home taxes for the year in which an original application is filed, may be filed with the original application. If the county auditor determines the information contained in the late application is correct, the auditor shall determine the amount of the reduction in taxes to which the applicant would have been entitled for the preceding tax year had the applicant's application been timely filed and approved in that year.

The amount of such reduction shall be treated by the auditor as an overpayment of taxes by the applicant and shall be refunded in the manner prescribed in section 5715.22 of the Revised Code for making refunds of overpayments. The county auditor shall certify the total amount of the reductions in taxes made in the current year under this division to the tax commissioner, who shall treat the full amount thereof as a reduction in taxes for the preceding tax year and shall make reimbursement to the county therefor in the manner prescribed by section 323.156 of the Revised Code, from money appropriated for that purpose.

(C)(1) If, in any year after an application has been filed under division (A)(1) or (2) of this section, the owner does not qualify for a reduction in taxes on the homestead or on the manufactured or mobile home set forth on such application, the owner shall notify the county auditor that the owner is not qualified for a reduction in taxes.

(2) If, in any year after an application has been filed under division (A)(1) of this section, the occupant of a homestead in a housing cooperative does not qualify for a reduction in taxes on the homestead, the occupant shall notify the county auditor that the occupant is not qualified for a reduction in taxes or file a new application under division (A)(1) of this section.

(3) If the county auditor or county treasurer discovers that ~~the~~ an owner of property or occupant of a homestead in a housing cooperative not entitled to the reduction in taxes under division (A) or (B) of section 323.152 of the Revised Code failed to notify the county auditor as required by division (C)(1) or (2) of this section, a charge shall be imposed against the property in the amount by which taxes were reduced under that division for each tax year the county auditor ascertains that the property was not entitled to the reduction and was owned by the current owner or, in the case of a homestead in a housing cooperative, occupied by the current occupant. Interest shall accrue in the manner prescribed by division (B) of section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner or occupant, by ordinary mail, of the charge, of the owner's or occupant's right to appeal the charge, and of the manner in which the owner or occupant may appeal. The owner or occupant may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in total income, ownership, occupancy, disability, and other information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the thirty-first day of December; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is

entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised Code, the application does not need to be returned.

(5) Each year during February, the county auditor, except as otherwise provided in this paragraph, shall furnish by ordinary mail an original application to the owner, as of the first day of January of that year, of a homestead or a manufactured or mobile home that transferred during the preceding calendar year and that qualified for and received a reduction in taxes under division (B) of section 323.152 of the Revised Code for the preceding tax year. In order to receive the reduction under that division, the owner shall file the application with the county auditor not later than the thirty-first day of December. If the application is not timely filed, the auditor shall not grant a reduction in taxes for the homestead for the current year, and shall notify the owner that the reduction in taxes has not been granted, in the same manner prescribed under section 323.154 of the Revised Code for notification of denial of an application. Failure of an owner to receive an application does not excuse the failure of the owner to file an original application. The county auditor is not required to furnish an application under this paragraph for any homestead for which application has previously been made on a form incorporated into any form used by the county auditor to administer the tax law in respect to the conveyance of real property or of used manufactured homes or used mobile homes, and an owner who previously has applied on such a form is not required to return an application furnished under this paragraph.

(D) No person shall knowingly make a false statement for the purpose of obtaining a reduction in the person's real property or manufactured home taxes under section 323.152 of the Revised Code.

(E) No person shall knowingly fail to notify the county auditor of changes required by division (C) of this section that have the effect of maintaining or securing a reduction in taxes under section 323.152 of the Revised Code.

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code.

Sec. 325.19. (A)(1) The granting of vacation leave under division (A)(1) of this section is subject to divisions (A)(2) and (3) of this section. Each full-time employee in the several offices and departments of the county service, including full-time hourly rate employees, after service of one year with the county or any political subdivision of the state, shall have earned

and will be due upon the attainment of the first year of employment, and annually thereafter, eighty hours of vacation leave with full pay. One year of service shall be computed on the basis of twenty-six biweekly pay periods. A full-time county employee with eight or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred twenty hours of vacation leave with full pay. A full-time county employee with fifteen or more years of service with the county or any political subdivision of the state shall have earned and is entitled to one hundred sixty hours of vacation leave with full pay. A full-time county employee with twenty-five years of service with the county or any political subdivision of the state shall have earned and is entitled to two hundred hours of vacation leave with full pay. Such vacation leave shall accrue to the employee at the rate of three and one-tenth hours each biweekly period for those entitled to eighty hours per year; four and six-tenths hours each biweekly period for those entitled to one hundred twenty hours per year; six and two-tenths hours each biweekly period for those entitled to one hundred sixty hours per year; and seven and seven-tenths hours each biweekly period for those entitled to two hundred hours per year.

The appointing authorities of the offices and departments of the county service may permit all or any part of a person's prior service with any regional council of government established in accordance with Chapter 167. of the Revised Code to be considered service with the county or a political subdivision of the state for the purpose of determining years of service under this division.

(2) Full-time employees granted vacation leave under division (A)(1) of this section who render any standard of service other than forty hours per week as described in division (K) of this section and who are in active pay status in a biweekly pay period, shall accrue a number of hours of vacation leave during each such pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours which are accepted as full-time in active pay status, excluding overtime hours, bears to eighty hours.

(3) Full-time employees granted vacation leave under division (A)(1) of this section who are in active pay status in a biweekly pay period for less than eighty hours or the number of hours of service otherwise accepted as full-time by their employing office or department shall accrue a number of hours of vacation leave during that pay period that bears the same ratio to the number of hours specified in division (A)(1) of this section as their number of hours in active pay status, excluding overtime hours, bears to

eighty or the number of hours of service accepted as full-time, whichever is applicable.

(B) A board of county commissioners, by resolution, may grant vacation leave with full pay to part-time county employees. A part-time county employee shall be eligible for vacation leave with full pay upon the attainment of the first year of employment, and annually thereafter. The ratio between the hours worked and the vacation hours awarded to a part-time employee shall be the same as the ratio between the hours worked and the vacation hours earned by a full-time employee as provided for in this section.

(C) Days specified as holidays in section 124.19 of the Revised Code shall not be charged to an employee's vacation leave. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of the employee's employment, provided that the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over the employee's vacation leave to the following year. No vacation leave shall be carried over for more than three years. An employee is entitled to compensation, at the employee's current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to the employee's credit at time of separation, and in addition shall be compensated for any unused vacation leave accrued to the employee's credit, with the permission of the appointing authority, for the three years immediately preceding the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county employee is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year. Except as provided in division (D)(2) of this section, holidays shall occur on the days specified in section 1.14 of the Revised Code. If any of those holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. If any of those holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of developmental disabilities works at a site maintained by a government entity other than the board, such as a public school, the board may adjust the employee's holiday

schedule to conform to the schedule adopted by the government entity. Under an adjusted holiday schedule, an employee shall receive the number of hours of holiday pay granted under division (D)(1) of this section.

(b) Pursuant to division (J)(6) of section 339.06 of the Revised Code, a county hospital may observe Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of the employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, as long as the alternative schedules are not inconsistent with the provisions of at least one collective bargaining agreement covering other employees of that appointing authority, if such an agreement exists. If no such collective bargaining agreement exists, an appointing authority, upon notification to the board of county commissioners, may establish an alternative schedule of vacation leave and holidays for its employees that does not diminish the vacation leave and holiday benefits granted by this section.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) Notwithstanding division (C) of this section or any other section of the Revised Code, if a separation from county service occurs in connection with the lease, sale, or other transfer of all or substantially all the business

and assets of a county hospital organized under Chapter 339. of the Revised Code to a private corporation or other entity, the appointing authority shall have no obligation to pay any compensation with respect to unused vacation leave accrued to the credit of an employee who accepts employment with the acquiring corporation or other entity, if at the effective time of separation the acquiring corporation or other entity expressly assumes such unused vacation leave accrued to the employee's credit.

(K) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.

Sec. 329.12. (A) A county department of job and family services may establish an individual development account program for residents of the county. The program shall provide for establishment of accounts for participants and acceptance of contributions from individuals and entities, including the county department, to be used as matching funds for deposit in the accounts.

(B) A county department shall select a fiduciary organization to administer its individual development account program. In selecting a fiduciary organization, the department shall consider all of the following regarding the organization:

(1) Its ability to market the program to potential participants and matching fund contributors;

(2) Its ability to invest money in the accounts in a way that provides for return with minimal risk of loss;

(3) Its overall administrative capacity, including the ability to verify eligibility of individuals for participation in the program, prevent unauthorized use of matching contributions, and enforce any penalties for unauthorized uses that may be provided for by rule adopted by the director of job and family services under section 5101.971 of the Revised Code;

(4) Its ability to provide financial counseling to participants;

(5) Its affiliation with other activities designed to increase the

independence of individuals and families through postsecondary education, home ownership, and business development;

(6) Any other factor the county department considers appropriate.

(C) At the time it commences the program and on the first day of each subsequent program year, the county department may make a grant to the fiduciary organization to pay all or part of the administrative costs of the program.

(D) The county department shall require the fiduciary organization to collect and maintain information regarding the program, including all of the following:

(1) The number of accounts established;

(2) The amount deposited by each participant and the amount matched by contributions;

(3) The uses of funds withdrawn from the account, including the number of participants who used funds for postsecondary educational expenses and the institutions attended, the number of personal residences purchased, and the number of participants who used funds for business capitalization;

(4) The demographics of program participants;

(5) The number of participants who withdrew from the program and the reasons for withdrawal.

~~(E) The county department shall prepare and file with the department of job and family services a semiannual report containing the information the director of job and family services requires by rule adopted under section 5101.971 of the Revised Code, with the first report being filed at the end of the six-month period following October 1, 1997.~~

Sec. 340.022. (A) Notwithstanding the membership requirements of section 340.02 of the Revised Code, if the director of mental health and addiction services during the period beginning January 1, 2021, and ending December 31, 2022, grants approval to a board of county commissioners of a county with a population of at least seventy thousand but not more than eighty thousand, according to data from the 2010 federal census, to withdraw from a joint-county alcohol, drug addiction, and mental health service district pursuant to section 340.01 of the Revised Code, a board of alcohol, drug addiction, and mental health services that is established as a result of that withdrawal shall meet the requirements of this section.

The size of the board shall be determined by the board of county commissioners representing the county that constitutes the alcohol, drug addiction, and mental health service district. The determination shall be made from among the options that may be selected under division (B) of this

section. Once an option is selected, the board of county commissioners shall adopt a resolution specifying the selection that has been made and shall notify the department of mental health and addiction services. After the resolution is adopted and the department is notified, the determination of size is final.

(B)(1) In the case of a board of alcohol, drug addiction, and mental health services that is established on or after the date the director grants the approval to withdraw described in division (A) of this section, any of the following options may be selected by the board of county commissioners when making the determination required under that division:

(a) To establish the board as an eighteen-member board;

(b) To establish the board as a fourteen-member board;

(c) To establish the board by selecting a number of members that is not less than seven nor more than nine.

(2) In the case of a board of alcohol, drug addiction, and mental health services that existed immediately prior to the date the director grants the approval to withdraw described in division (A) of this section, either of the following options may be selected when making the determination required under that division:

(a) To continue the board's operation as an eighteen-member or fourteen-member board, as a board of that size was authorized by section 340.02 of the Revised Code at the time the board was established;

(b) Subject to division (B)(3) of this section, to reduce the board's size by selecting a number of members that is not less than seven nor more than nine.

(3) The option to reduce the size of the board, as described in division (B)(2)(b) of this section, is available only during the period beginning on the date the director grants the approval to withdraw described in division (A) of this section and ending on the date that is six months thereafter. Before exercising this option, the board of county commissioners shall notify the board of alcohol, drug addiction, and mental health services and provide an opportunity for the board of alcohol, drug addiction, and mental health services to participate in a public hearing, in accordance with section 121.22 of the Revised Code, regarding the proposed reduction.

If a reduction is implemented, the reduction may occur by attrition as members' terms expire or vacancies otherwise occur.

(C) The director of mental health and addiction services shall appoint four members of an eighteen-member board, three members of a fourteen-member board, and two members of a seven- to nine-member board. The board of county commissioners representing the county

constituting the service district shall appoint fourteen members of an eighteen-member board, eleven members of a fourteen-member board, and the remaining members of a seven- to nine-member board.

As the appointing authorities for a board of alcohol, drug addiction, and mental health services, the director of mental health and addiction services and the board of county commissioners shall ensure that at least one member of the board is a person who has received or is receiving mental health services or is a parent or other relative of such a person and at least one member of the board is a person who has received or is receiving addiction services or is a parent or guardian of such a person.

When a board is established on or after the effective date of this section, the initial appointments shall be staggered among the members as equally as possible with terms of two years, three years, and four years.

(D)(1) Notwithstanding the membership requirements of section 340.02 of the Revised Code, if a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (D)(1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

Sec. 340.13. (A) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "EDGE business enterprise" has the same meaning as in section ~~123.152~~122.922 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) of this section shall first apply to the ~~equal employment opportunity coordinator in the department of administrative services~~department of development for certification as a minority business enterprise. Any EDGE business enterprise that desires to bid on a contract under division (D) of this section shall first apply to the ~~equal employment opportunity coordinator of the department of administrative~~

~~services~~department of development for certification as an EDGE business enterprise. The ~~coordinator~~director of development shall approve the application of any minority business enterprise or EDGE business enterprise that complies with the rules adopted under section 122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The ~~coordinator~~director shall prepare and maintain a list of minority business enterprises and EDGE business enterprises certified under those sections.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of contracts to be awarded in the current fiscal year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts awarded under section 307.86 of the Revised Code, except that only minority business enterprises certified and listed pursuant to division (B) of this section shall be qualified to submit bids.

(D) To the extent that a board is authorized to enter into contracts for construction, the board shall strive to attain a yearly contract dollar procurement goal the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts for the current fiscal year for EDGE business enterprises only.

(E)(1) In the case of contracts set aside under division (C) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of mental health and addiction services for a waiver or modification of the goal.

(F) This section does not preclude any minority business enterprise or EDGE business enterprise from bidding on any other contract not specifically set aside for minority business enterprises or subject to procurement goals for EDGE business enterprises.

(G) Within ninety days after the beginning of each fiscal year, each-

board shall file a report with the department of mental health and addiction services that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or staff, ~~subject to division (B) of this section,~~ the sheriff shall convey any person charged with the commission of an offense, sentenced to imprisonment in the county jail, or in custody upon civil process to a jail in any county the sheriff considers most convenient and secure. As used in this paragraph, any county includes a contiguous county in an adjoining state.

The sheriff may call such aid as is necessary in guarding, transporting, or returning such person. Whoever neglects or refuses to render such aid, when so called upon, shall forfeit and pay the sum of ten dollars, to be recovered by an action in the name and for the use of the county.

Such sheriff and the sheriff's assistants shall receive such compensation for their services as the county auditor of the county from which such person was removed considers reasonable. The compensation shall be paid from the county treasury on the warrant of the auditor.

The receiving sheriff shall not, pursuant to this section, convey the person received to any county other than the one from which the person was removed.

~~(B)(1) If Lawrence county does not have sufficient jail space in the county or staff based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the Lawrence county sheriff may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(2) If a county other than Lawrence county does not have sufficient jail~~

~~space or staff based upon the minimum standards for jails in Ohio promulgated pursuant to section 5120.10 of the Revised Code and has entered into an agreement to jail persons with the Lawrence county sheriff, instead of conveying a person in a category described in division (A) of this section to a jail in any county pursuant to that division, the sheriff of the other county may convey the person to the Ohio river valley facility in accordance with section 341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect.~~

~~(3) As used in divisions (B)(1) and (2) of this section, "Ohio river valley facility" has the same meaning as in section 341.121 of the Revised Code.~~

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or development of property in relation to an existing community planned so that the resulting community includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in this chapter.

A new community development program may take into account any existing community in relation to which a new community is developed for purposes of being characterized by well-balanced and diversified land use patterns.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the

land within a new community district, or any municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof. "Developer" may also mean a person, municipal corporation, county, or port authority that controls land within a new community district through leases of at least seventy-five years' duration. "Developer" includes a lessor that continues to own and control land for purposes of this chapter pursuant to leases with a ninety-nine-year renewable term, so long as all of the following apply:

(1) The developer's new community district consists of at least five leases described in this section.

(2) The leases are subject to forfeiture for all of the following:

(a) Failing to pay taxes and assessments;

(b) Failing to pay an annual fee of up to one per cent of rent for sanitary purposes and improvements made to streets;

(c) Failing to keep the premises as required by sanitary and police regulations of the developer.

(3) The new community authority is established on or before December 31, 2021.

(F) "Organizational board of commissioners" means the following:

(1) For a new community district that is located in only one county, the board of county commissioners of that county;

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; or

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the

construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and overpasses, lighting facilities, design amenities, or other community facilities, and buildings needed in connection with water supply or sewage disposal installations, or energy facilities including those for renewable or sustainable energy sources, and steam, gas, or electric lines or installation.

(J) "Cost" as applied to a new community development program means all costs related to land acquisition and land development, the acquisition, construction, maintenance, and operation of community facilities and offices of the community authority, and of providing furnishings and equipment therefor, financing charges including interest prior to and during construction and for the duration of the new community development program, planning expenses, engineering expenses, administrative expenses including working capital, and all other expenses necessary and incident to the carrying forward of the new community development program.

(K) "Income source" means any and all sources of income to the community authority, including community development charges of which the new community authority is the beneficiary as provided in section 349.07 of the Revised Code, rentals, user fees and other charges received by the new community authority, any gift or grant received, any moneys received from any funds invested by or on behalf of the new community authority, and proceeds from the sale or lease of land and community facilities.

(L) "Community development charge" means:

(1) A dollar amount which shall be determined on the basis of the assessed valuation of real property or interests in real property in a new community district, the income of the residents of such property subject to

such charge under section 349.07 of the Revised Code, if such property is devoted to residential uses or to the profits, gross receipts, or other revenues of any business including, but not limited to, rentals received from leases of real property located in the district, a uniform or other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases.

(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.

(M) "Proximate city" means the following:

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district.

(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located.

(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof that includes residential activities.

Sec. 351.021. (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities authority tax anticipation bonds issued to pay those costs; to pay

the operating costs of the authority; to pay operating and maintenance costs of those facilities; and to pay the costs of administering the excise tax.

(B) The board of directors of a convention facilities authority that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section may levy, by resolution adopted on or before December 31, 1988, either or both of the following:

(1) Within the territory of the authority, an additional excise tax not to exceed four per cent on each transaction. The excise tax authorized by division (B)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(2) of this section.

(2) Within that portion of any municipal corporation that is located within the territory of the authority or within the boundaries of any township that is located within the territory of the authority, which municipal corporation or township is levying any portion of the excise tax authorized by division (A) of section 5739.08 of the Revised Code, and with the approval, by ordinance or resolution, of the legislative authority of that municipal corporation or township, an additional excise tax not to exceed nine-tenths of one per cent on each transaction. The excise tax authorized by division (B)(2) of this section may be levied only if, on the effective date of the levy specified in the resolution making the levy, the amount being levied pursuant to division (A) of section 5739.08 of the Revised Code by each municipal corporation or township in which the tax authorized by division (B)(2) of this section will be levied, when added to the amount levied under division (B)(2) of this section, does not exceed three per cent on each transaction. The excise tax authorized by division (B)(2) of this section shall be in addition to any excise tax that is levied pursuant to section 5739.08 or 5739.09 of the Revised Code, or division (B)(1) of this section.

(C)(1) The board of directors of a convention facilities authority that is located in an eligible Appalachian county; that has been authorized pursuant to resolution adopted, amended, or supplemented by the board of county commissioners pursuant to division (A) of this section; and that is not levying a tax under division (B)(1) or (2) of this section may levy within the territory of the authority, by resolution adopted on or before December 31, 2005, an additional excise tax not to exceed three per cent on each transaction. The excise tax authorized under division (C)(1) of this section shall be in addition to any excise tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code.

As used in division (C)(1) of this section, "eligible Appalachian county"

means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census.

(2) Division (C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of commissioners' resolution is not approved at the election. A tax levied under division (C)(2) of this section is in addition to any tax levied under section 5739.09 of the Revised Code.

The board of directors of a convention facilities authority that levies an excise tax under division (C)(2) of this section may, by resolution adopted by a majority of the members of the board on or before November 1, 2021, amend the resolution levying the tax to increase the rate of the tax by not more than an additional one per cent on each transaction. The resolution shall provide that all revenue from the increase in rate shall be used for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the rate increase.

(3) The board of directors of a convention facilities authority created between July 1, 2019, and December 31, 2019, by resolution adopted on or before December 30, 2020, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be

furnished to transient guests at a rate not to exceed three per cent on such transactions for the purposes described in division (A) of this section. This tax shall be in addition to any excise tax levied pursuant to this section or section 5739.08 or 5739.09 of the Revised Code. The resolution levying the tax shall not take effect sooner than ninety days after the convention facilities authority is created.

(D) The authority shall provide for the administration and allocation of an excise tax levied pursuant to division (B) or (C) of this section. All receipts arising from those excise taxes shall be expended for the purposes provided in, and in accordance with this section and section 351.141 of the Revised Code. An excise tax levied under division (B) or (C) of this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 351.141 of the Revised Code.

(E) Except as provided in division (B)(2) of this section, the levy of an excise tax on each transaction pursuant to sections 5739.08 and 5739.09 of the Revised Code does not prevent a convention facilities authority from levying an excise tax pursuant to division (B) or (C) of this section.

(F) A convention facilities authority located in a county with a population greater than eighty thousand but less than ninety thousand according to the 2010 federal decennial census that levies a tax under division (B) of this section may amend the resolution levying the tax to allocate a portion of the revenue from the tax for support of tourism-related sites or facilities and programs operated by the county or a municipal corporation within the county in which the authority is located or for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by the county in which the authority is located. The revenue allocated by the authority for such purposes in a calendar year shall not exceed twenty-five per cent of the total revenue from the tax in the preceding calendar year. Revenue allocated for such purposes that is not fully used by the end of the calendar year may be carried forward for use in subsequent calendar years. Any amount carried forward does not count toward the limitation on the amount that may be allocated for such purposes in succeeding calendar years.

Sec. 503.56. (A) As used in this section:

(1) "Tourism development district" means a district designated by a township under this section.

(2) "Territory of a tourism development district" means all of the area

included within the territorial boundaries of a tourism development district.

(3) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division (C) of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed six hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The board adopts the resolution on or before December 31, 2020.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is

within the boundaries of the district.

(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district. Division (B)(1)(e) of this section does not apply to a resolution enlarging the territory of an existing tourism development district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located.

The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The board of trustees of an eligible township that has designated a tourism development district under this section may levy one or both of the taxes authorized under section 503.57 or 5739.101 of the Revised Code. If the board does not levy a tax under section 5739.101 of the Revised Code, the board may enter into and enforce agreements imposing a development charge under section 503.58 of the Revised Code.

(E) On or before the first day of each January and July, beginning after the designation of the tourism development district, the fiscal officer of the township shall certify a list of vendors located within the tourism

development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 504.04. (A) A township that adopts a limited home rule government may do all of the following by resolution, provided that any of these resolutions, other than a resolution to supply water or sewer services in accordance with sections 504.18 to 504.20 of the Revised Code, may be enforced only by the imposition of civil fines as authorized in this chapter:

(1) Exercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with general laws, except that the township shall comply with the requirements and prohibitions of this chapter, and shall enact no taxes other than those authorized by general law, and except that no resolution adopted pursuant to this chapter shall encroach upon the powers, duties, and privileges of elected township officers or change, alter, combine, eliminate, or otherwise modify the form or structure of the township government unless the change is required or permitted by this chapter;

(2) Adopt and enforce within the unincorporated area of the township local police, sanitary, and other similar regulations that are not in conflict with general laws or otherwise prohibited by division (B) of this section;

(3) Supply water and sewer services to users within the unincorporated area of the township in accordance with sections 504.18 to 504.20 of the Revised Code;

(4) Adopt and enforce within the unincorporated area of the township any resolution of a type described in section 503.52 or 503.60 of the Revised Code.

(B) No resolution adopted pursuant to this chapter shall do any of the following:

(1) Create a criminal offense or impose criminal penalties, except as authorized by division (A) of this section or by section 503.52 of the Revised Code;

(2) Impose civil fines other than as authorized by this chapter;

(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations, except as provided in section 504.21 of the Revised Code;

(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;

(5) Increase, decrease, or otherwise alter the powers or duties of a township under any other chapter of the Revised Code pertaining to agriculture or the conservation or development of natural resources;

(6) Establish regulations affecting hunting, trapping, fishing, or the

possession, use, or sale of firearms;

(7) Establish or revise water or sewer regulations, except in accordance with section 504.18, 504.19, or 504.21 of the Revised Code;

(8) ~~For twelve months after the effective date of the amendment of this section by H.B. 242 of the 133rd general assembly, impose~~ Impose a fee, assessment, or other charge on auxiliary containers, on the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers. As used in this division, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.

Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.

(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time law director pursuant to section 504.15 of the Revised Code, and except that a five-member board of township trustees approved for the township before September 26, 2003, shall continue to serve as the legislative authority with successive members serving for four-year terms of office until a termination of a limited home rule government under section 504.03 of the Revised Code.

(D) In case of conflict between resolutions enacted by a board of township trustees and municipal ordinances or resolutions, the ordinance or resolution enacted by the municipal corporation prevails. In case of conflict between resolutions enacted by a board of township trustees and any county resolution, the resolution enacted by the board of township trustees prevails.

Sec. 507.021. (A) The township fiscal officer may hire and appoint one or more persons as the fiscal officer finds necessary to provide assistance to the township fiscal officer or deputy fiscal officer. The township fiscal officer may set the compensation of those persons subject to ~~the prior approval of the board of township trustees~~ division (B) of this section. Those persons shall serve at the pleasure of the township fiscal officer or, in the absence of the township fiscal officer, the deputy fiscal officer. The township fiscal officer may delegate to an assistant any of the duties the fiscal officer is otherwise required to perform. The appointment of assistants under this section does not relieve the township fiscal officer of responsibility to discharge the duties of the office but shall serve to provide assistance to the fiscal officer in performing those duties.

(B) The compensation of an assistant appointed under this section shall be included in the estimate of contemplated expenditures for the township

fiscal officer's office that is submitted to the board of township trustees for approval as provided in section 5705.28 of the Revised Code.

(C) Except as otherwise provided in section 3.061 of the Revised Code, before serving, an assistant to the township fiscal officer shall give bond for the faithful discharge of the duties of the office as may be delegated by the fiscal officer. The bond shall be payable to the board of township trustees and shall be for the same sum as required under section 507.03 of the Revised Code for the township fiscal officer, with sureties approved by the board, and conditioned for the faithful performance of duties delegated by the fiscal officer. The bond shall be recorded by the township fiscal officer, filed with the county treasurer, and carefully preserved.

Sec. 511.10. The board of township trustees may appoint such superintendents, architects, clerks, laborers, and other employees as are necessary and fix their compensation. Any person so appointed may be removed by a majority of the members of such board at any time.

Any township employee working on a salary or hourly basis is entitled to eight hours of holiday pay for New Year's day, Martin Luther King day, Washington-Lincoln day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day, of each year, provided that the employee is a regular employee with at least six months full-time township service prior to the month when such holiday occurs. Holidays shall occur on the days specified in section 1.14 of the Revised Code.

The board of township trustees may purchase or lease uniforms for laborers or other employees engaged in the maintenance of township property.

Sec. 701.10. (A)(1) The legislative authority of a municipal corporation that has established a rate or charge, payable to the municipal corporation, for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services, when ~~the~~ either of the following applies:

(a) The unpaid amount is at least equal to or greater than two hundred fifty dollars; or

(b) The unpaid amount is equal to or greater than the applicable annual rate or charge imposed by the municipal corporation upon the person using the collection or disposal services, regardless of the actual cost incurred by the municipal corporation in providing the collection or disposal services.
The

(2) The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation.

(B) A municipal corporation that, on or before October 17, 2019, collected all rates or charges for such services in a manner consistent with the collection of other taxes, rather than making that rate or charge payable to the municipal corporation, may continue to collect amounts in such manner without being subject to the limitation in division (A)(1) of this section.

Sec. 715.013. (A) Except as otherwise expressly authorized by the Revised Code, no municipal corporation shall levy a tax that is the same as or similar to a tax levied under Chapter 322., 3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5736., 5737., 5739., 5741., 5743., 5747., 5749., or 5751. of the Revised Code.

~~(B) For twelve months after the effective date of the amendment of this section by H.B. 242 of the 133rd general assembly, no~~ No municipal corporation may impose any tax, fee, assessment, or other charge on auxiliary containers, on the sale, use, or consumption of such containers, or on the basis of receipts received from the sale of such containers. As used in this division, "auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.

(C) This section does not prohibit a municipal corporation from levying an income tax or withholding tax in accordance with Chapter 718. of the Revised Code, or a tax on any of the following:

- (1) Amounts received for admission to any place;
- (2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code;
- (3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code.

Sec. 715.014. (A) As used in this section:

- (1) "Tourism development district" means a district designated by a municipal corporation under this section.
- (2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.
- (3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.
- (4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three

hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on September 29, 2015.

(5) "Fiscal officer" means the city auditor, village clerk, or other municipal officer having the duties and functions of a city auditor or village clerk.

(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed six hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district.

(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2020.

A legislative authority may declare more than one area of the municipal corporation to be a tourism development district under this section.

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district.

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. That description shall include sufficient information for the commissioner to determine if the address of a vendor is within the boundaries of the district.

(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district.

Division (B)(1)(e) of this section does not apply to a resolution or ordinance enlarging the territory of an existing tourism development district.

(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer. A lessor that imposes such a fee shall remit all collections of the fee to the municipal corporation in which the real property is located.

The legislative authority of that municipal corporation shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten per cent of the amount of fee due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. The regulations shall provide, after deducting the real and actual costs of administering the fee, that the revenue be used exclusively for fostering and developing tourism within the tourism development district.

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code or enter into and enforce agreements imposing a development charge under section 715.015 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and July, beginning after the designation of a tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

Sec. 715.72. (A) As used in this section:

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district.

(2) "District" means a joint economic development district created under

this section.

(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare.

(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(10) "Water or sewer service plan or agreement" means either of the following:

(a) A state water quality management plan adopted by the Ohio environmental protection agency or another authorized planning agency pursuant to 33 U.S.C. 1288 and 1313 that contemplates that a non-contracting municipal corporation will provide sanitary sewer disposal services to an area within a proposed joint economic development district;

(b) A binding agreement between a municipal corporation and a third-party water or sanitary sewer services provider, including another municipal corporation or other public or private provider, that provides that a non-contracting municipal corporation or another provider that is not a

contracting party will provide water or sanitary sewer services to an area within a proposed joint economic development district.

(11) "Non-contracting municipal corporation" means a municipal corporation that is not a contracting party.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal corporations and townships that are located in the same county or in adjacent counties.

(C) One or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties may enter into a contract pursuant to which they designate one or more areas as a joint economic development district for the purpose of facilitating economic development and redevelopment, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people in this state and in the area of the contracting parties.

(1) Except as otherwise provided in division (C)(2) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township, municipal corporation, or county that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party.

(2) Contracting parties that have entered into a contract under section 715.70 or 715.71 of the Revised Code creating a joint economic development district prior to November 15, 1995, may enter into a contract under this section even if the territory of each of the contracting parties is not contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party as otherwise required under division (C)(1) of this section. The contract and district shall meet the requirements of this section.

(D) If, on or after December 30, 2008, but on or before June 30, 2009, one or more municipal corporations and one or more townships enter into a contract or amend an existing contract under this section, one or more counties in which all of those municipal corporations or townships are located also may enter into the contract as a contracting party or parties.

(E)(1) The area or areas to be included in a joint economic development district shall meet all of the following criteria:

(a) The area or areas shall be located within the territory of one or more of the contracting parties and may consist of all of the territory of any or all

of the contracting parties.

(b) No electors, except those residing in a mixed-use development, shall reside within the area or areas on the effective date of the contract creating the district.

(c) The area or areas shall not include any parcel of land owned in fee by or leased to a municipal corporation or township, unless the municipal corporation or township is a contracting party or has given its consent to have the parcel of land included in the district by the adoption of an ordinance or resolution.

(d) The area or areas shall not include any parcel of land excluded pursuant to division (J)(2) of this section.

(2) The contracting parties may designate excluded parcels within the boundaries of the joint economic development district. Excluded parcels are not part of the district and persons employed or residing on such parcels shall not be subject to any income tax imposed within the district under division (F)(5) of this section.

(F)(1) The contract creating a joint economic development district shall provide for the amount or nature of the contribution of each contracting party to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting parties agree and may include, but are not limited to, the provision of services, money, real or personal property, facilities, or equipment.

(2) The contract may provide for the contracting parties to share revenue from taxes levied by one or more of the contracting parties if those revenues may lawfully be applied to that purpose under the legislation by which those taxes are levied.

(3) The contract shall include an economic development plan for the district that consists of a schedule for the provision of new, expanded, or additional services, facilities, or improvements. The contract may provide for expanded or additional capacity for or other enhancement of existing services, facilities, or improvements.

(4) The contract shall enumerate the specific powers, duties, and functions of the board of directors of the district described under division (P) of this section and shall designate procedures consistent with that division for appointing members to the board. The contract shall enumerate rules to govern the board in carrying out its business under this section.

(5)(a) The contract may grant to the board the power to adopt a resolution to levy an income tax within the entire district or within portions of the district designated by the contract. The income tax shall be used to

carry out the economic development plan for the district or the portion of the district in which the tax is levied and for any other lawful purpose of the contracting parties pursuant to the contract, including the provision of utility services by one or more of the contracting parties.

(b) An income tax levied under this section shall be based on both the income earned by persons employed or residing within the district and the net profit of businesses operating within the district.

Except as provided in this section, the income tax levied within the district is subject to Chapter 718. of the Revised Code, except that no vote shall be required. The rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a contracting party.

(c) If the board adopts a resolution to levy an income tax, it shall enter into an agreement with a municipal corporation that is a contracting party to administer, collect, and enforce the income tax on behalf of the district.

(d) A resolution levying an income tax under this section shall require the contracting parties to annually set aside a percentage, to be stated in the resolution, of the amount of the income tax collected for the long-term maintenance of the district.

(e) An income tax levied under this section shall apply in the district or the portion of the district in which the contract authorizes an income tax throughout the term of the contract creating the district. The tax shall not apply to any persons employed or residing on a parcel excluded from the district under division (E)(2) of this section.

(6) If there is unincorporated territory in the district, the contract shall specify that restrictions on annexation proceedings under division (R) of this section apply to such unincorporated territory. The contract may prohibit proceedings under Chapter 709. of the Revised Code proposing the annexation to, merger of, or consolidation with a municipal corporation that is a contracting party of any unincorporated territory within a township that is a contracting party during the term of the contract regardless of whether that territory is located within the district.

(7) The contract may designate property as a community entertainment district, or may be amended to designate property as a community entertainment district, as prescribed in division (D) of section 4301.80 of the Revised Code. A contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) to (6) of section 4301.80 of the Revised Code. The public notice required under division (I) of this section shall specify that the contract designates a community entertainment district and describe the

location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic development district contract shall not lose its designation even if the contract is canceled or terminated.

(8) If any part of the district is located either within one-half of one mile of a non-contracting municipal corporation or within an area covered by or subject to a water or sewer service plan or agreement, the contract shall include all of the following:

(a) A preliminary estimate of the costs of providing public utility services, facilities, and improvements to the district, prepared by a professional engineer;

(b) An analysis of the anticipated sources for funding the costs of the public utilities infrastructure needed to serve the district and a projection of when such funds will be available and when such costs are likely to be incurred;

(c) Evidence or estimates indicating that the construction of the public utility infrastructure needed to serve at least some portion of the district will be completed within five years after the creation of the district.

(G) The contract creating a joint economic development district shall continue in existence throughout its term and shall be binding on the contracting parties and on any parties succeeding to the contracting parties, whether by annexation, merger, or consolidation. Except as provided in division (H) of this section, the contract may be amended, renewed, or terminated with the approval of the contracting parties or any parties succeeding to the contracting parties. If the contract is amended to add or remove an area to or from an existing district, the amendment shall be adopted in the manner prescribed under division (L) of this section.

(H) If two or more contracting parties previously have entered into a separate contract for utility services, then amendment, renewal, or termination of the separate contract for utility services shall not constitute any part of the consideration for the contract creating a joint economic development district. A contract creating a joint economic development district shall be rebuttably presumed to violate this division if it is entered into within two years prior or five years subsequent to the amendment, renewal, or termination of a separate contract for utility services that two or more contracting parties previously have entered into. The presumption stated in this division may be rebutted by clear and convincing evidence of both of the following:

(1) That other substantial consideration existed to support the contract creating a joint economic development district;

(2) That the contracting parties entered into the contract creating a joint economic development district freely and without duress or coercion related to the amendment, renewal, or termination of the separate contract for utility services.

A contract creating a joint economic development district that violates this division is void and unenforceable.

(I)(1) Before the legislative authority of any of the contracting parties adopts an ordinance or resolution approving a contract to create a district, the legislative authority of each of the contracting parties shall hold a public hearing concerning the contract and district. Each legislative authority shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation, township, or county, as applicable. During the thirty-day period prior to the public hearing and until the date that an ordinance or resolution is adopted under division (K) of this section to approve the joint economic development district contract, all of the following documents shall be available for public inspection in the office of the clerk of the legislative authority of a municipal corporation and county that is a contracting party and in the office of the fiscal officer of a township that is a contracting party:

(a) A copy of the contract creating the district, including the economic development plan for the district and the schedule for the provision of new, expanded, or additional services, facilities, or improvements described in division (F)(3) of this section;

(b) A description of the area or areas to be included in the district, including a map in sufficient detail to denote the specific boundaries of the area or areas and to indicate any zoning restrictions applicable to the area or areas, and the parcel number, provided for under section 319.28 of the Revised Code, of any parcel located within the boundaries of the joint economic development district and excluded from the district under division (E)(2) of this section;

(c) If the contract authorizes the board of directors of the district to adopt a resolution to levy an income tax within the district or within portions of the district, a schedule for the collection of the tax.

(2) At least thirty days before the first public hearing is to be held by one or more legislative authorities on a proposed district, notice shall be sent in writing to each non-contracting municipal corporation that is located within one-half of one mile of the proposed district or that is identified in a water or sewer service plan or agreement as a future provider of water or sewer services to all or part of the proposed district.

(3) A public hearing held under this division shall allow for public comment and recommendations on the contract and district. The contracting parties may include in the contract any of those recommendations prior to approval of the contract.

(J)(1) Before any of the contracting parties approves a contract under division (K) of this section, the contracting parties shall circulate one or more petitions to record owners of real property located within the proposed joint economic development district and owners of businesses operating within the proposed district. The petitions shall state that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The petitions shall clearly indicate that, by signing the petition, the record owner or owner consents to the proposed joint economic development district.

A contracting party may send written notice of the petitions by certified mail with return receipt requested to the last known mailing addresses of any or all of the record owners of real property located within the proposed district or the owners of businesses operating within the proposed district. The contracting parties shall equally share the costs of complying with this division.

(2) If any portion of property located within the proposed joint economic development district is also either located within one-half of one mile of a non-contracting municipal corporation or covered by or subject to a water or sewer service plan or agreement under which a non-contracting municipal corporation is identified as a future provider of water or sewer services to all or part of the proposed district, then that property and any property contiguous to that property if owned by the same person shall be excluded from the joint economic development district unless the owner of the property signs the petition.

(K)(1) After the public hearings required under division (I) of this section have been held and the petitions described in division (J) of this section have been signed by the majority of the record owners of real property located within the proposed joint economic development district and by a majority of the owners of businesses, if any, operating within the proposed district, each contracting party may adopt an ordinance or resolution approving the contract to create a joint economic development district. Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving the district contract, each contracting party shall give notice of the proposed district to all of the

following:

(a) Each record owner of real property to be included in the district and in the territory of that contracting party who did not sign the petitions described in division (J) of this section;

(b) An owner of each business operating within the district and in the territory of that contracting party no owner of which signed the petitions described in division (J) of this section.

(2) Such notices shall be given by certified mail and shall specify that the property or business is located within an area to be included in the district and that all of the documents described in divisions (I)(1)(a) to (c) of this section are available for public inspection in the office of the clerk of the legislative authority of each municipal corporation and county that is a contracting party or the office of the fiscal officer of each township that is a contracting party. The contracting parties shall equally share the costs of complying with division (K) of this section.

(L)(1) The contracting parties may amend the joint economic development district contract to add any area that was not originally included in the district if the area satisfies the criteria prescribed under division (E) of this section. The contracting parties may also amend the district contract to remove any area originally included in the district or exclude one or more parcels located within the district pursuant to division (E)(2) of this section.

(2) An amendment adding an area to a district, removing an area from the district, or excluding one or more parcels from the district may be approved only by a resolution or ordinance adopted by each of the contracting parties. The contracting parties shall conduct public hearings on the amendment and provide notice in the manner required under division (I) of this section for original contracts. The contracting parties shall make available for public inspection a copy of the amendment, a description of the area to be added, removed, or excluded to or from the district, and a map of that area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area.

(3) Before adopting a resolution or ordinance approving the addition of an area to the district, the contracting parties shall circulate petitions to the record owners of real property located within the proposed addition to the district and owners of businesses operating within the proposed addition to the district in the same manner required under division (J) of this section for original contracts. The contracting parties may notify such record owners of real property and owners of businesses that the petitions are available for signing in the same manner provided by that division. The contracting

parties shall equally share the costs of complying with this division.

(4) The contracting parties to a joint economic development district may vote to approve an amendment to the district contract under this division after the public hearings required under division (L)(2) of this section are completed and, if the amendment adds an area or areas to the district, the petitions required under division (L)(3) of this section have been signed by the majority of record owners of real property located within the area or areas added to the district and by a majority of the owners of businesses, if any, operating within the proposed addition to the district.

(5) Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving an amendment adding one or more areas to the district, each contracting party shall give notice of the addition to all of the following:

(a) Each record owner of real property to be included in the addition to the district and in the territory of that contracting party who did not sign the petitions described in division (L)(3) of this section;

(b) An owner of each business operating within the addition to the district and in the territory of that contracting party no owner of which signed the petitions described in division (L)(3) of this section.

The contracting parties shall equally share the costs of complying with division (L)(5) of this section.

(M)(1) A board of township trustees that is a party to a contract creating a joint economic development district may choose not to submit its resolution approving the contract to the electors of the township if all of the following conditions are satisfied:

(a) The resolution has been approved by a unanimous vote of the members of the board of township trustees or, if a county is one of the contracting parties under division (D) of this section, the resolution has been approved by a majority vote of the members of the board of township trustees;

(b) The contracting parties have circulated petitions as required under division (J) of this section and obtained the signatures required under division (L) of this section;

(c) The territory to be included in the proposed district is zoned in a manner appropriate to the function of the district.

(2) If the board of township trustees has not invoked its authority under division (M)(1) of this section, the board, at least ninety days before the date of the election, shall file its resolution approving the district contract with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, or special election.

(3) Any contract creating a district in which a board of township trustees is a party shall provide that the contract is not effective before the thirty-first day after its approval, including approval by the electors of the township if required by this section.

(4) If the board of township trustees invokes its authority under division (M)(1) of this section and does not submit the district contract to the electors for approval, the resolution of the board of township trustees approving the contract is subject to a referendum of the electors of the township when requested through a petition. When signed by ten per cent of the number of electors in the township who voted for the office of governor at the most recent general election, a referendum petition asking that the resolution be submitted to the electors of the township may be presented to the board of township trustees. Such a petition shall be presented within thirty days after the board of township trustees adopts the resolution approving the district contract. The board of township trustees shall, not later than four p.m. of the tenth day after receipt of the petition, certify the text of the resolution to the board of elections. The board of elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, primary, or special election occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with (here insert name of every other contracting party) for the creation of a joint economic development district be approved?"

**FOR THE RESOLUTION AND CONTRACT
AGAINST THE RESOLUTION AND CONTRACT"**

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the following documents with the director of development ~~services~~:

- (1) All of the documents described in divisions (I)(1)(a) to (c) of this section;
- (2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;
- (3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the

hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions (J) and (K) of this section.

(P) A board of directors shall govern each district created under this section.

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members:

(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the owners of businesses operating within the district;

(d) One member representing the persons employed within the district;

(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(1)(e) of this section shall serve as chairperson of the board described under division (P)(1) of this section.

(2) If there are no businesses operating or persons employed within the district, the board shall be composed of the following members:

(a) One member representing the municipal corporations that are contracting parties;

(b) One member representing the townships that are contracting parties;

(c) One member representing the counties that are contracting parties, or if no contracting party is a county, one member selected by the members described in divisions (P)(2)(a) and (b) of this section.

The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member

described in division (P)(2)(a) of this section shall serve a term of one year; the member described in division (P)(2)(b) of this section shall serve a term of two years; and the member described in division (P)(2)(c) of this section shall serve a term of three years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the board, but no member shall serve more than two consecutive terms on the board.

The member described in division (P)(2)(c) of this section shall serve as chairperson of a board described under division (P)(2) of this section.

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section of the Revised Code prohibiting the holding of other public office or employment. Membership on such a board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law to the contrary, no member of a board of directors of a joint economic development district shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(5) The board of directors of a joint economic development district is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or will derive any material benefit from the new, expanded, or additional services, facilities, or

improvements described in the economic development plan for the district, or the material benefit that has, or will be, derived is negligible in comparison to the income tax revenue generated from the net profits of the business and the income of employees of the business.

The legislative authority of each contracting party shall be made a party to the proceedings and the business owner filing the complaint shall serve notice of the complaint by certified mail to each such contracting party. The court shall not accept any complaint filed more than six months after the effective date of the district contract.

(2) Any or all of the contracting parties may submit a written answer to the complaint submitted under division (Q)(1) of this section to the court within thirty days after notice of the complaint was served upon them. Such a contracting party shall submit to the court, along with the answer, documentation sufficient to prove that the contracting party sent copies of the answer to the owner of the business who filed the complaint.

(3) The court shall review each complaint submitted by a business owner under division (Q)(1) of this section and each answer submitted by a contracting party under division (Q)(2) of this section. The court may make a determination on the record and the evidence thus submitted, or it may conduct a hearing and request the presence of the business owner and the contracting parties to present evidence relevant to the complaint. The court shall make a determination on the complaint not sooner than thirty days but not later than sixty days after the complaint is filed by the business owner. The court may make a determination more than sixty days after the complaint is filed if the business owner and all contracting parties to the district consent.

(4) The court shall grant the exemption requested in the complaint if all of the criteria described in divisions (Q)(1)(a) to (c) of this section are met.

(5) If all the criteria described in divisions (Q)(1)(a) to (c) of this section are not met, the court shall deny the complaint and the exemption.

(6) The court shall send notice of the determination with respect to the complaint to the owner of the business and each contracting party. If the court grants the exemption, the net profits of the business from operations within the district and the income of its employees from employment within the district are exempt from any income tax imposed by the board of directors of the district. If the court denies the exemption, the net profits of the business and the income of its employees shall be taxed according to the terms of the district contract and any taxes, penalties, and interest accrued before the date of the court's determination shall be paid in full. In addition, no owner of the business may submit another complaint under division

(Q)(1) of this section for the same district contract. The court's determination on a complaint filed under division (Q) of this section is final.

(7) Chapter 2506. of the Revised Code does not apply to the proceedings described in division (Q) of this section.

(R)(1) No proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger of, or consolidation with a municipal corporation of any unincorporated territory within a joint economic development district may be commenced at any time between the effective date of the contract creating the district and the date the contract expires, terminates, or is otherwise rendered unenforceable. This division does not apply if each board of township trustees whose territory is included within the district and whose territory is proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding. Each such board of township trustees shall file a copy of the resolution with the clerk of the legislative authority of each county within which a contracting party is located.

(2) The contract creating a joint economic development district may prohibit any annexation proceeding by a contracting municipal corporation of any unincorporated territory within the district or zone beyond the period described in division (R)(1) of this section.

(3) No contracting party is divested or relieved of its rights or obligations under the contract creating a joint economic development district because of annexation, merger, or consolidation.

(S) Contracting parties may enter into agreements pursuant to the contract creating a joint economic development district with respect to the substance and administration of zoning and other land use regulations, building codes, permanent public improvements, and other regulatory and proprietary matters determined to be for a public purpose. No contract, however, shall exempt the territory within the district from the procedures of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including, but not limited to, zoning procedures.

(T) The powers granted under this section are in addition to and not in the derogation of all other powers possessed by or granted to municipal corporations, townships, and counties pursuant to law.

(1) When exercising a power or performing a function or duty under a contract entered into under this section, a municipal corporation may exercise all the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract.

(2) When exercising a power or performing a function or duty under a

contract entered into under division (D) of this section, a county may exercise all of the powers of a county, and may perform all the functions and duties of a county, within the district pursuant to and to the extent consistent with the contract.

(3) When exercising a power or performing a function or duty under a contract entered into under this section, a township may exercise all the powers of a township, and may perform all the functions and duties of a township, within the district, pursuant to and to the extent consistent with the contract.

(U) No political subdivision shall grant any tax exemption under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the Revised Code on any property located within the district without the consent of all the contracting parties. The prohibition against granting a tax exemption under this section does not apply to any exemption filed, pending, or approved before the effective date of the contract entered into under this section.

Sec. 727.031. (A) As used in this section:

(1) "Nonprofit arts institution" has the same meaning as in division (G) of section 5709.121 of the Revised Code.

(2) "Qualifying real property" means any real property that is located in a county having a population greater than five hundred thousand but less than five hundred forty thousand and that is either (i) owned and operated by a nonprofit arts institution or (ii) owned and operated by a limited liability company whose sole member is a nonprofit arts institution.

(B) For tax years 2020 to 2024, qualifying real property is exempt from special assessments levied under Chapter 727. or 729. of the Revised Code, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

Sec. 733.81. (A) As used in this section, "fiscal officer" means the city auditor, city treasurer, village fiscal officer, village clerk-treasurer, village clerk, and, in the case of a municipal corporation having a charter that designates an officer who, by virtue of the charter, has duties and functions similar to those of the city or village officers referred to in this section, the officer so designated by the charter.

(B) To enhance the background and working knowledge of fiscal officers in government accounting, budgeting and financing, financial report preparation, cybersecurity, and the rules adopted by the auditor of state, the auditor of state shall conduct education programs and continuing education courses for individuals elected or appointed for the first time to the office of

fiscal officer, and shall conduct continuing education courses for individuals who continue to hold the office in a subsequent term. The Ohio municipal league also may conduct such initial education programs and continuing education courses if approved by the auditor of state. The auditor of state, in conjunction with the Ohio municipal league, shall determine the manner and content of the initial education programs and continuing education courses.

(C) A newly elected or appointed fiscal officer shall complete at least six hours of initial education programs before commencing, or during the first year of, office. A fiscal officer who participates in a training program held under section 117.44 of the Revised Code may apply those hours taken before commencing office to the six hours of initial education programs required under this division.

(D)(1) In addition to the six hours of initial education required under division (B) of this section, a newly elected or appointed fiscal officer shall complete at least a total of eighteen continuing education hours during the fiscal officer's first term of office.

(2) A An elected or appointed fiscal officer who ~~is elected to~~ retains office for a subsequent term ~~of office~~ shall complete twelve hours of continuing education courses in each subsequent term of office.

(3) The auditor of state shall adopt rules specifying the initial education programs and continuing education courses that are required for a fiscal officer who has been appointed ~~to fill a vacancy~~. The requirements shall be proportionally equivalent, based on the time remaining in the vacated office, to the requirements for a newly elected or appointed fiscal officer.

(4) At least two hours of ethics instruction shall be included in the continuing education hours required by divisions (D)(1) and (2) of this section.

(5) A fiscal officer who participates in a training program or seminar established under section 109.43 of the Revised Code may apply the three hours of training to the continuing education hours required by divisions (D)(1) and (2) of this section.

(E)(1) A certified public accountant who serves as a fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 4701.11 of the Revised Code after being elected or appointed as a fiscal officer.

(2) A fiscal officer may apply to the continuing education hours required by division (D) of this section any hours of continuing education completed under section 135.22 of the Revised Code after being elected or appointed as a fiscal officer.

(3) A fiscal officer who teaches an approved continuing education

course under division (D) of this section is entitled to credit for the course in the same manner as if the fiscal officer had attended the course.

(F) The auditor of state shall adopt rules for verifying the completion of initial education programs and continuing education courses required under this section for each category of fiscal officer. The auditor of state shall issue a certificate of completion to each fiscal officer who completes the initial education programs and continuing education courses. The auditor of state shall issue a "failure to complete" notice to any fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office to which the individual was elected or appointed.

(G) The legislative authority of a municipal corporation shall approve a reasonable amount requested by the fiscal officer to cover the costs the fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses.

Sec. 901.171. (A) The department of agriculture may promote the use of Ohio-produced agricultural goods, including natural spring water, through the issuance of logotypes to qualified producers and processors under a promotional certification program to be developed and administered by the division of markets.

(B) Pursuant to rules adopted under Chapter 119. of the Revised Code, the department may establish reasonable fees and criteria for participation in the program. All such fees shall be credited to the ~~general revenue~~ Ohio proud, international, and domestic market development fund created in section 901.20 of the Revised Code and used to finance the program.

(C) The department may sell merchandise that promotes the certification program. The director of agriculture shall deposit all proceeds from the sales of merchandise in the state treasury to the credit of the Ohio proud, international, and domestic market development fund.

Sec. 901.91. The director of agriculture may assess the operating funds of the department of agriculture to pay a share of the department's central support and administrative costs. The assessments shall be based on a plan that the director develops ~~and submits to the director of budget and management not later than the fifteenth day of July of the fiscal year in which the assessments are to be made. If the director of budget and management determines that the assessments proposed in the plan are appropriate, the director shall approve the plan.~~ Assessments shall be paid from the funds designated in the plan and credited by means of intrastate transfer voucher to the department of agriculture central support indirect

costs fund, which is hereby created in the state treasury. The fund shall be administered by the director of agriculture and used to pay central support and administrative costs of the department of agriculture.

Sec. 905.59. (A) The director of agriculture may inspect, sample, and analyze any liming material utilized within the state to such extent as the director considers necessary to determine whether the liming material is in compliance with sections 905.51 to 905.65 of the Revised Code, and the rules adopted under such sections. The director may enter into an agreement with a person that is not a department of agriculture employee that authorizes that person to perform the inspections, sampling, and analysis of liming material. If the director enters into an agreement, the director shall annually audit the records relating to the inspections, sampling, and analysis performed by the person.

(B) The director or a person who has entered into an agreement with the director under division (A) of this section may enter upon any public or private premises or means of conveyance at any reasonable time to have access to liming material subject to sections 905.51 to 905.65 of the Revised Code, and the rules adopted under such sections.

(C) The methods of sampling and analysis of liming materials shall be those adopted by the association of official analytical chemists or as prescribed by the director.

(D) The results of the official analysis of any sample of liming material that is found to be in violation of sections 905.51 to 905.65 of the Revised Code, or any regulation adopted under such sections, shall be forwarded to the licensee. A licensee may request a portion of any such sample if the request is made not more than thirty days after the date of the analysis report.

(E) Analytical tolerances shall be governed by rules adopted by the director, subject to Chapter 119. of the Revised Code.

Sec. 940.111. (A) As used in this section:

(1) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

(2) "Soil and water district officials" includes the board of supervisors of a soil and water conservation district and employees of the district.

(3) "Soil and water district expenses" includes payments or any other expense a person owes or otherwise pays to a soil and water conservation

district under the authority of this chapter.

(B) Notwithstanding any other section of the Revised Code, the board of supervisors of a soil and water conservation district may adopt a resolution authorizing the acceptance of payments by financial transaction devices for soil and water district expenses.

The resolution shall include the following:

(1) A specification of those soil and water district officials who are authorized to accept payments by financial transaction device;

(2) A list of soil and water district expenses that may be paid for through the use of a financial transaction device;

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for soil and water district expenses. Uniform acceptance of financial transaction devices among different types of soil and water district expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (D) of this section for persons using a financial transaction device. Uniform application of surcharges or convenience fees among different types of soil and water district expenses is not required.

(5) A specific provision as provided in division (F) of this section requiring the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.

The board's resolution shall also designate the county treasurer as an administrative agent to solicit proposals, within guidelines established by the board in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices, to make recommendations about those proposals to the board, and to assist the soil and water conservation district in implementing the board's financial transaction devices program. The county treasurer may decline this responsibility within thirty days after receiving a copy of the board's resolution by notifying the board in writing within that period. If the treasurer so notifies the board, the board shall perform the duties of the administrative agent.

If the county treasurer is the administrative agent and fails to administer the board's financial transaction devices program in accordance with the guidelines in the board's resolution, the board shall notify the treasurer in writing of the board's findings, explain the failures, and give the treasurer six months to correct the failures. If the treasurer fails to make the appropriate corrections within that six-month period, the board may adopt a resolution declaring the board to be the administrative agent. The board may

later rescind that resolution at its discretion.

(C) The board shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The administrative agent shall request proposals from at least three financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution adopted under division (B) of this section. Prior to sending any financial institution, issuer, or processor a copy of any such request, the board shall advertise its intent to request proposals in a newspaper of general circulation in the soil and water conservation district once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code.

The notice shall:

(1) State that the board intends to request proposals;

(2) Specify the purpose of the request;

(3) Indicate the date, which shall be at least ten days after the second publication, on which the request for proposals will be mailed to financial institutions, issuers, or processors;

(4) Require that any financial institution, issuer, or processor, whichever is appropriate, interested in receiving the request for proposals submit written notice of this interest to the board not later than noon of the day on which the request for proposals will be mailed.

Upon receiving the proposals, the administrative agent shall review them and make a recommendation to the board on which proposals to accept. The board shall consider the agent's recommendation and review all proposals submitted, and then may choose to contract with any or all of the entities submitting proposals, as appropriate. The board shall provide any financial institution, issuer, or processor that submitted a proposal, but with which the board does not enter into a contract, notice that its proposal is rejected. The notice shall state the reasons for the rejection, indicate whose proposals were accepted, and provide a copy of the terms and conditions of the successful bids.

(D) A board of supervisors of a soil and water conservation district may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device. If a surcharge or convenience fee is imposed, the board shall clearly post a notice and shall notify each

person making a payment by such a device about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the medium used to make the payment and in a manner appropriate to that medium.

Each notice shall include all of the following:

(1) A statement that there is a surcharge or convenience fee for using a financial transaction device;

(2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable;

(3) A clear statement that the surcharge or convenience fee is nonrefundable.

(E) If a person elects to make a payment to the soil and water conservation district by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable.

(F) If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the soil and water conservation district for payment of a penalty over and above the amount of the expense due. The board shall determine the amount of the penalty, which may be either a fee not to exceed twenty dollars or payment of the amount necessary to reimburse the district for banking charges, legal fees, or other expenses incurred by the district in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

(G) No person making any payment by financial transaction device to a soil and water conservation district shall be relieved from liability for the underlying obligation except to the extent that the district realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation survives and the district retains all remedies for enforcement that would have applied if the transaction had not occurred.

(H) A soil and water district official who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

Sec. 955.15. (A) The board of county commissioners shall provide nets and other suitable devices for the taking of dogs in a humane manner,

provide a suitable place for impounding dogs, make proper provision for feeding and caring for the same, and provide humane ~~devices and methods~~ for destroying dogs. ~~In any county in which there is a society for the prevention of cruelty to children and animals, having one or more agents and maintaining an animal shelter suitable for a dog pound and devices for humanely destroying dogs, the board need not furnish a dog pound, but the county dog warden shall deliver all dogs seized by the warden and the warden's deputies to such society at its animal shelter, there to be dealt with in accordance with law~~

(B) Subject to division (C) of this section, the dog warden shall deliver any dog that the warden or the warden's deputies have seized to one of the following:

(1) A dog pound operated by the county;

(2) Another animal shelter for dogs, as defined in section 956.01 of the Revised Code, that operates in a manner suitable for a dog pound and that is able to adopt out, transfer out, or humanely destroy dogs in accordance with state law. The

(C) A dog warden shall not deliver dogs to an animal shelter for dogs under division (B)(2) of this section unless the board of county commissioners has entered into a written agreement with the animal shelter for dogs to operate as a dog pound on behalf of the county.

(D) A pound or animal shelter for dogs to which a dog has been delivered under division (B) of this section shall deal with the dog in accordance with state law, including the maintenance of any public records pertaining to the intake and disposition of the dog.

(E) The board shall provide for the payment of reasonable compensation to ~~such society~~ an animal shelter for dogs described in division (B)(2) of this section for its services so performed out of the dog and kennel fund ~~or the county's general revenue fund. The~~

(F) The board may designate and appoint any officers regularly employed by any society organized under sections 1717.02 to 1717.05 of the Revised Code, to act as county dog warden or deputies for the purpose of carrying out sections 955.01 to 955.27 of the Revised Code, if such society whose agents are so employed owns or controls a suitable place for keeping and destroying dogs.

Sec. 1121.30. (A) All assessments, fees, charges, and forfeitures provided for in Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code, except civil penalties assessed pursuant to section 1121.35 or 1315.152 of the Revised Code, shall be paid to the superintendent of financial institutions, and the superintendent shall deposit

them into the state treasury to the credit of the banks fund, which is hereby created.

(B) The superintendent may expend or obligate the banks fund to defray the costs of the division of financial institutions in administering Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code. The superintendent shall pay from the fund all actual and necessary expenses incurred by the superintendent, including for any services rendered by the department of commerce for the division's administration of Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code. The fund shall be assessed a proportionate share of the administrative costs of the department and the division of financial institutions. The proportionate share of the administration costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent ~~and approved by the director of budget and management~~. The amount assessed for the fund's proportional share of the department's administrative costs and the division's administrative costs shall be paid from the banks fund to the division of administration fund and the division of financial institutions fund respectively.

(C) Any money deposited into the state treasury to the credit of the banks fund, but not expended or encumbered by the superintendent to defray the costs of administering Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the Revised Code, shall remain in the banks fund for expenditures by the superintendent in subsequent years and shall not be used for any purpose other than as set forth in this section.

Sec. 1181.06. There is hereby created in the state treasury the financial institutions fund. The fund shall receive assessments on the banks fund established under section 1121.30 of the Revised Code, the credit unions fund established under section 1733.321 of the Revised Code, and the consumer finance fund established under section 1321.21 of the Revised Code in accordance with procedures prescribed by the superintendent of financial institutions ~~and approved by the director of budget and management~~. Such assessments shall be in addition to any assessments on these funds required under division (G) of section 121.08 of the Revised Code. All operating expenses of the division of financial institutions shall be paid from the financial institutions fund. Money in the fund shall be used only for that purpose.

Sec. 1321.21. All fees, charges, penalties, and forfeitures collected under Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code shall be paid to the superintendent of financial institutions and shall be deposited by the

superintendent into the state treasury to the credit of the consumer finance fund, which is hereby created. The fund may be expended or obligated by the superintendent for the defrayment of the costs of administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code by the division of financial institutions. All actual and necessary expenses incurred by the superintendent, including any services rendered by the department of commerce for the division's administration of Chapters 1321., 1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised Code, shall be paid from the fund. The fund shall be assessed a proportionate share of the administrative costs of the department and the division. The proportionate share of the administrative costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent ~~and approved by the director of budget and management~~. Such assessment shall be paid from the consumer finance fund to the division of administration fund or the financial institutions fund.

Periodically, in accordance with a schedule the director establishes by rule, but at least once every three months, the director of budget and management shall transfer five per cent of all charges, penalties, and forfeitures received into the consumer finance fund to the financial literacy education fund created under section 121.085 of the Revised Code.

Sec. 1322.09. (A)(1) An application for a certificate of registration shall be in writing, under oath, and in a form prescribed by the superintendent of financial institutions that complies with the requirements of the nationwide mortgage licensing system and registry. The application shall be accompanied by a nonrefundable application fee of ~~five~~ seven hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.07 of the Revised Code and any additional fee required by the nationwide mortgage licensing system and registry.

(2) The application shall include the names and addresses of the owners, officers, or partners having control of the applicant, including all of the following:

(a) In the case of a sole proprietor, the name and address of the sole proprietor;

(b) In the case of a partnership, the name and address of each partner;

(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;

(d) In the case of any other entity, the name and address of any person

that owns five per cent or more of any entity that will transact business under the certificate of registration.

(3) In addition to any information required by this section, an applicant shall furnish to the superintendent any reasonable information the superintendent may require.

(B) Upon the filing of the application and payment of the nonrefundable application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant and any individual whose identity is required to be disclosed in the application. As part of that investigation, the superintendent shall conduct a civil records check.

If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed five hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(C) In connection with applying for a certificate of registration, the applicant shall furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including all of the following for the applicant and any individual with control of the applicant:

(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;

(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain both of the following:

(a) An independent credit report from a consumer reporting agency;

(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(D) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.10 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(E) If an application for a certificate of registration does not contain all of the information required under this section, and if that information is not

submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(F) A certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means.

(G)(1) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage lender, mortgage servicer, or mortgage broker certificates of registration or the persons associated with a mortgage lender, mortgage servicer, or mortgage broker.

(2) For purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain, the division of financial institutions may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(3) For purposes of this section and to reduce the points of contact that the division may have to maintain, the division may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source as determined by the division.

Sec. 1322.10. (A) Upon the conclusion of the investigation required under division (B) of section 1322.09 of the Revised Code, the superintendent of financial institutions shall issue a certificate of registration to the applicant if the superintendent finds that the following conditions are met:

(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry.

(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for

insufficient funds, the application shall be withdrawn.

(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the certificate of registration has been issued, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration issued in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of registration shall be canceled immediately without a hearing, and the registrant shall cease activity as a mortgage broker, mortgage lender, or mortgage servicer.

(2) If the application is for a location that is a residence, evidence that the use of the residence to transact business as a mortgage lender, mortgage broker, or mortgage servicer is not prohibited.

(3) The applicant maintains all necessary filings and approvals required by the secretary of state.

(4) The applicant complies with the surety bond requirements of section 1322.32 of the Revised Code.

(5) The applicant has not made a material misstatement of fact or material omission of fact in the application.

(6) Neither the applicant nor any person whose identity is required to be disclosed on an application for a certificate of registration has had such a certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(7) The applicant's operations manager successfully completed the examination required by section 1322.27 of the Revised Code.

(8) The applicant's financial responsibility, experience, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly, fairly, and efficiently in compliance with the purposes of this chapter and the rules adopted thereunder. The superintendent shall not use a credit score or a bankruptcy as the sole basis for registration denial.

(B) For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions (A)(6) and (8) of this section, the superintendent shall determine which partners, shareholders, or persons

named in the application must meet those conditions. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant and on whether the person is in a position to direct, control, or adversely influence the operations of the applicant.

(C) The certificate of registration issued pursuant to division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met:

(1) The renewal application is accompanied by a nonrefundable renewal fee of ~~five~~ seven hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.07 of the Revised Code and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the registrant by certified mail, return receipt requested, that the certificate of registration renewed in reliance on the check or other draft instrument will be canceled unless the registrant, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the registrant does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the certificate of registration shall be canceled immediately without a hearing and the registrant shall cease activity as a mortgage broker, mortgage lender, or mortgage servicer.

(2) The applicant meets the conditions set forth in divisions (A)(2), (3), (4), (5), (7), and (8) of this section.

(3) Neither the applicant nor any person whose identity is required to be disclosed on the renewal application has had a certificate of registration or mortgage loan originator license, or any comparable authority, revoked in any governmental jurisdiction or has pleaded guilty or nolo contendere to or been convicted of any of the following in a domestic, foreign, or military court:

(a) During the seven-year period immediately preceding the date of the renewal application but excluding any time before the certificate of registration was issued, a misdemeanor involving theft or any felony;

(b) At any time between the date of the original certificate of registration and the date of the renewal application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

(4) The applicant's certificate of registration is not subject to an order of suspension or an unpaid and past due fine imposed by the superintendent.

(D)(1) Subject to division (D)(2) of this section, if a renewal fee or additional fee required by the nationwide mortgage licensing system and registry is received by the superintendent after the thirty-first day of December, the certificate of registration shall not be considered renewed, and the applicant shall cease activity as a mortgage lender, mortgage broker, or mortgage servicer.

(2) Division (D)(1) of this section shall not apply if the applicant, not later than forty-five days after the renewal deadline, submits the renewal fee or additional fee and a ~~one hundred dollar~~ one hundred-fifty-dollar penalty to the superintendent.

(E) Certificates of registration issued under this chapter annually expire on the thirty-first day of December.

(F) The pardon or expungement of a conviction shall not be considered a conviction for purposes of this section.

Sec. 1322.20. (A) An application for a license as a mortgage loan originator shall be in writing, under oath, and in a form prescribed by the superintendent of financial institutions that complies with the requirements of the nationwide mortgage licensing system and registry. The application shall be accompanied by a nonrefundable application fee of ~~one~~ two hundred ~~fifty~~ dollars and any additional fee required by the nationwide mortgage licensing system and registry.

(B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:

(a) Twenty hours of instruction in an approved education course;

(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning Ohio lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.

(2) If an applicant held a valid mortgage loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered mortgage loan originator shall not be taken into account.

(3) A person having successfully completed the pre-licensing education requirement reviewed and approved by the nationwide mortgage licensing system and registry for any state within the previous five years shall be

granted credit toward completion of the pre-licensing education requirement of this state.

(C) In addition to the information required under division (B) of this section, the application shall provide both of the following:

(1) Evidence that the applicant passed a written test that meets the requirements described in section 1322.27 of the Revised Code;

(2) Any further information that the superintendent requires.

(D) Upon the filing of the application and payment of the application fee and any fee required by the nationwide mortgage licensing system and registry, the superintendent of financial institutions shall investigate the applicant. As part of that investigation, the superintendent shall conduct a civil records check.

If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed five hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(E) In connection with applying for a loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry information concerning the applicant's identity, including all of the following:

(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;

(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain both of the following:

(a) An independent credit report from a consumer reporting agency;

(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(F) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.21 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(G) If an application for a mortgage loan originator license does not

contain all of the information required under this section, and if that information is not submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(H)(1) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licenses or the persons associated with a licensee.

(2) For purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain, the division of financial institutions may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(3) For purposes of this section and to reduce the points of contact that the division may have to maintain, the division may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source as determined by the division.

(I) A mortgage loan originator license, or the authority granted under that license, is not assignable or transferable.

Sec. 1322.21. (A) Upon the conclusion of the investigation required under division (C) of section 1322.20 of the Revised Code, the superintendent of financial institutions shall issue a mortgage loan originator license to the applicant if the superintendent finds that the following conditions are met:

(1) The application is accompanied by the application fee and any fee required by the nationwide mortgage licensing system and registry.

(a) If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the applicant by certified mail, return receipt requested, that the application will be withdrawn unless the applicant, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the applicant does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the application shall be withdrawn.

(b) If a check or other draft instrument is returned to the superintendent for insufficient funds after the license has been issued, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license issued in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the application fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the application fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator.

(2) The applicant has not made a material misstatement of fact or material omission of fact in the application.

(3) The applicant has not been convicted of or pleaded guilty or nolo contendere to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(4) The applicant completed the prelicensing instruction set forth in division (B) of section 1322.20 of the Revised Code.

(5) The applicant's financial responsibility and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of this chapter. The superintendent shall not use a credit score or bankruptcy as the sole basis for a license denial.

(6) The applicant is in compliance with the surety bond requirements of section 1322.32 of the Revised Code.

(7) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction.

(B) The license issued under division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met:

(1) The renewal application is accompanied by a nonrefundable renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay

the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator.

(2) The applicant has completed at least eight hours of continuing education as required under section 1322.28 of the Revised Code.

(3) The applicant meets the conditions set forth in divisions (A)(2), (4), (5), (6), and (7) of this section.

(4) The applicant has not been convicted of or pleaded guilty or nolo contendere to any of the following in a domestic, foreign, or military court:

(a) During the seven-year period immediately preceding the date of the renewal application but excluding any time before the license was issued, a misdemeanor involving theft or any felony;

(b) At any time between the date of the original license and the date of the renewal application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering.

(5) The applicant's license is not subject to an order of suspension or an unpaid and past due fine imposed by the superintendent.

(C)(1) Subject to division (C)(2) of this section, if a license renewal application fee, including any fee required by the nationwide mortgage licensing system and registry, is received by the superintendent after the thirty-first day of December, the license shall not be considered renewed, and the applicant shall cease activity as a mortgage loan originator.

(2) Division (C)(1) of this section shall not apply if the applicant, not later than forty-five days after the renewal deadline, submits the renewal application and any other required fees and a ~~one-hundred-dollar~~ one-hundred-fifty-dollar penalty to the superintendent.

(D) Mortgage originator licenses annually expire on the thirty-first day of December.

(E) The pardon or expungement of a conviction shall not be considered a conviction for purposes of this section. When determining the eligibility of an applicant, the superintendent may consider the underlying crime, facts, or circumstances connected with a pardoned or expunged conviction.

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the Revised Code:

(A) "Adult" means a person who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a principal or the family of a principal has assigned primary responsibility for the treatment or care of the principal or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(2) Hydration when administered to diminish the pain or discomfort of a principal, but not to postpone death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a principal, but not to postpone death.

(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a principal, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of sections 1337.11 to 1337.17 of the Revised Code, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Declaration for mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.

(F) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(G) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition or physical or mental health.

(H) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.

(I) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;

(3) A nursing home;

(4) A home health agency;

(5) An intermediate care facility for individuals with intellectual disabilities;

(6) A regulated community mental health organization.

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.

(K) "Home health agency" has the same meaning as in section ~~3701.881~~

3740.01 of the Revised Code.

(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.

(N) "Hydration" means fluids that are artificially or technologically administered.

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(P) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a principal, will serve principally to prolong the process of dying.

(R) "Medical claim" has the same meaning as in section 2305.113 of the Revised Code.

(S) "Mental health treatment" has the same meaning as in section 2135.01 of the Revised Code.

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(U) "Nutrition" means sustenance that is artificially or technologically administered.

(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:

(1) Irreversible unawareness of one's being and environment.

(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.

(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.

(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.

(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.34 of the Revised Code or a community mental health services provider as defined in section 5122.01 of the Revised Code.

(BB) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a principal's attending physician and one other physician who has examined the principal, both of the following apply:

(1) There can be no recovery.

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(CC) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for a breach of contract or another agreement between persons.

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the Revised Code:

(A) "Home solicitation sale" means a sale of consumer goods or services in which the seller or a person acting for the seller engages in a personal solicitation of the sale at a residence of the buyer, including solicitations in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller, or in which the buyer's agreement or offer to purchase is made at a place other than the seller's place of business. It does not include a transaction or transactions in which:

(1) The total purchase price to be paid by the buyer, whether under single or multiple contracts, is less than twenty-five dollars;

(2) The transaction was conducted and consummated entirely by mail or by telephone if initiated by the buyer, and without any other contact between the seller or the seller's representative prior to the delivery of goods or performance of the service;

(3) The final agreement is made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis;

(4) The buyer initiates the contact between the parties for the purpose of

negotiating a purchase and the seller has a business establishment at a fixed location in this state where the goods or services involved in the transaction are regularly offered or exhibited for sale.

Advertisements by such a seller in newspapers, magazines, catalogues, radio, or television do not constitute the seller initiation of the contact.

(5) The buyer initiates the contact between the parties, the goods or services are needed to meet a bona fide immediate personal emergency of the buyer which will jeopardize the welfare, health, or safety of natural persons, or endanger property which the buyer owns or for which the buyer is responsible, and the buyer furnishes the seller with a separate, dated, and signed statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days;

(6) The buyer has initiated the contact between the parties and specifically requested the seller to visit the buyer's home for the purpose of repairing or performing maintenance upon the buyer's personal property. If, in the course of such a visit, the seller sells the buyer additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion.

(7) The buyer is accorded the right of rescission by the "Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 1635, or regulations adopted pursuant to it.

(B) "Sale" includes a lease or rental.

(C) "Seller" includes a lessor or anyone offering goods for rent.

(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.

(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.

(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:

(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;

(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;

(3) The sale of securities or commodities by a securities dealer or

salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;

(4) The sale of insurance by a person licensed by the superintendent of insurance;

(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;

(6) The sale of property at an auction by an auctioneer licensed by the department of agriculture under Chapter 4707. of the Revised Code.

(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.

(H) "Place of business" means the main office, or a permanent branch office or permanent local address of a seller.

(I) "Business day" means any calendar day except Sunday, or the following business holidays: New Year's day, Martin Luther King day, Presidents' day, Memorial day, Juneteenth day, Independence day, Labor day, Columbus day, Veterans day, Thanksgiving day, and Christmas day.

Sec. 1501.29. (A) As used in this section:

(1) "Qualifying land" means land that meets all of the following criteria:

(a) The land is owned in fee by the department of natural resources or the department owns an interest in the land.

(b) The land or the department's interest in the land is exempted from taxation.

(c) The total area of the land is more than five thousand acres.

(d) The land or interest in the land was acquired by the department on January 1, 2018, or thereafter, in either one transaction or a series of transactions with the same seller.

(2) "Unimproved taxable value" means the taxable value of qualifying land, exclusive of improvements, for the tax year in which the land or interest in the land was acquired by the department of natural resources.

(B) On or before the thirtieth day of June of each year, beginning in 2022, the director of natural resources shall pay to the county treasurer of each county in which qualifying land is located, an amount equal to two and one-half per cent of the unimproved taxable value of qualifying land located within that county. The director shall draw the funds necessary to make such payments from the state park fund created under section 1546.21 of the Revised Code, the wildlife fund created under section 1531.17 of the Revised Code, or both of those funds.

(C) Within thirty days of receiving a payment under division (B) of this section, the county treasurer shall distribute the money among the taxing

units within the territory of which the county's qualifying land is located as follows:

(1) Sixty per cent of the money shall be distributed proportionally among school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such school district.

(2) Forty per cent of the money shall be distributed proportionally among taxing units other than school districts that include qualifying land located within the county based on the unimproved taxable value of that qualifying land located within the territory of each such taxing unit.

(D) Moneys received by a school district or other taxing unit under this section shall be used for any lawful purpose.

(E) If compensation is payable for land or interests in land under this section, no compensation shall be made payable under section 1531.27 of the Revised Code for the same land or interest.

Sec. 1503.03. The chief of the division of forestry shall cooperate with all state operated universities and the department of agriculture. The chief, with the approval of the director of natural resources, may purchase or acquire by gift, donations, or contributions any interest in land suitable for forestry purposes. The chief may enter into agreements with the federal government or other agencies for the acquisition, by lease, purchase, or otherwise, of such lands as in the judgment of the chief and director are desirable for state forests, building sites, or nursery lands. The chief may expend funds, not otherwise obligated, for the management, development, and utilization of such lands.

The chief, with the approval of the director of natural resources, may acquire by lease, purchase, gift, or otherwise, in the name of the state, forested or other lands in the state suitable for the growth of forest trees to the amount of the appropriation for that purpose. The chief shall prepare and submit to the director of natural resources maps and descriptions of such areas including and adjacent to the existing state forest lands, the lands within which, not at the time belonging to the state, are properly subject to purchase as state forest lands for reasons of protection, utilization, and administration. When such an area is approved by the director of natural resources, it shall be known as a state forest purchase area and the map and description, with the approval of the director of natural resources indorsed thereon, shall be filed in duplicate with the ~~auditor of state~~ director of administrative services and the attorney general.

All lands purchased for forest purposes shall be deeded to the state, but the purchase price of such lands shall not be paid until the title thereof has

been approved by the attorney general. The price of such lands shall not exceed the appropriation for such purposes.

Sec. 1503.05. (A) The chief of the division of forestry may sell timber and other forest products from the state forest ~~and~~, state forest nurseries, ~~and~~ federal lands in accordance with the terms of an agreement under section 1503.271 of the Revised Code whenever the chief considers such a sale desirable ~~and, with~~ With the approval of the attorney general and the director of natural resources, the chief may sell portions of the state forest lands when such a sale is advantageous to the state.

(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in accordance with the terms of the agreement in an amount determined by the chief. All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

In lieu of a bond, the bidder may deposit any of the following:

- (1) Cash in an amount equal to the amount of the bond;
- (2) United States government securities having a par value equal to or greater than the amount of the bond;
- (3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A

bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state, equal in par value to the par value of the cash, securities, certificates of deposit, or letters of credit withdrawn.

A bidder may demand and receive from the treasurer of state all interest or other income from any such securities or certificates as it becomes due. If securities so deposited with and in the possession of the treasurer of state mature or are called for payment by their issuer, the treasurer of state, at the request of the bidder who deposited them, shall convert the proceeds of the redemption or payment of the securities into other United States government securities, negotiable certificates of deposit, or cash as the bidder designates.

When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or governmental agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, certificates, or letters of credit forfeited. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the bond, cash, securities, certificates, or letters of credit.

In lieu of total forfeiture, the surety, at its option, may cause the timber sale to be completed or pay to the treasurer of state the cost thereof.

All ~~moneys~~ money collected as a result of forfeitures of bonds, cash, securities, certificates, and letters of credit under this section shall be credited to the state forest fund created in this section.

(C) The chief may grant easements and leases on portions of the state forest lands and state forest nurseries under terms that are advantageous to the state, and the chief may grant mineral rights on a royalty basis on those lands and nurseries, with the approval of the attorney general and the director.

(D) All ~~moneys~~ money received from the sale of state forest lands, or in payment for easements or leases on or as rents from those lands or from state forest nurseries, shall be paid into the state treasury to the credit of the state forest fund, which is hereby created. In addition, all ~~moneys~~ money received from federal grants, payments, and reimbursements, from the sale of reforestation tree stock, from the sale of forest products, other than standing timber, and from the sale of minerals taken from the state forest

lands and state forest nurseries, together with royalties from mineral rights, shall be paid into the state treasury to the credit of the state forest fund. Any other revenues derived from the operation of the state forests and related facilities or equipment also shall be paid into the state treasury to the credit of the state forest fund, as shall contributions received for the issuance of Smokey Bear license plates under section 4503.574 of the Revised Code and any other ~~moneys~~ money required by law to be deposited in the fund. Any revenue generated from agreements entered into under section 1503.271 of the Revised Code shall be deposited in the fund.

The state forest fund shall not be expended for any purpose other than the administration, operation, maintenance, development, or utilization of the state forests, forest nurseries, and forest programs; ~~for facilities or equipment incident to them; for the further purchase of lands for state forest or forest nursery purposes; or~~ for wildfire suppression payments and; for fire prevention purposes in the case of contributions received pursuant to section 4503.574 of the Revised Code, ~~for fire prevention purposes; or for forest management projects associated with federal lands in the case of revenues received pursuant to agreements entered into under section 1503.271 of the Revised Code.~~

(E) All ~~moneys~~ money received from the sale of standing timber taken from state forest lands and state forest nurseries shall be deposited into the state treasury to the credit of the forestry holding account redistribution fund, which is hereby created. The ~~moneys~~ money shall remain in the fund until they are redistributed in accordance with this division.

The redistribution shall occur at least once each year. To begin the redistribution, the chief first shall determine the amount of all standing timber sold from state forest lands and state forest nurseries, together with the amount of the total sale proceeds, in each county, in each township within the county, and in each school district within the county. The chief next shall determine the amount of the direct costs that the division of forestry incurred in association with the sale of that standing timber. The amount of the direct costs shall be subtracted from the amount of the total sale proceeds and shall be transferred from the forestry holding account redistribution fund to the state forest fund.

The remaining amount of the total sale proceeds equals the net value of the standing timber that was sold. The chief shall determine the net value of standing timber sold from state forest lands and state forest nurseries in each county, in each township within the county, and in each school district within the county and shall send to each county treasurer a copy of the determination at the time that ~~moneys are~~ money is paid to the county

treasurer under this division.

Thirty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account redistribution fund to the state forest fund. The remaining sixty-five per cent of the net value shall be transferred from the forestry holding account redistribution fund and paid to the county treasurer for the use of the general fund of that county.

The county auditor shall do all of the following:

(1) Retain for the use of the general fund of the county one-fourth of the amount received by the county under division ~~(D)~~(E) of this section;

(2) Pay into the general fund of any township located within the county and containing such lands and nurseries one-fourth of the amount received by the county from standing timber sold from lands and nurseries located in the township;

(3) Request the board of education of any school district located within the county and containing such lands and nurseries to identify which fund or funds of the district should receive the ~~moneys~~ money available to the school district under division ~~(D)(3)~~(E)(3) of this section. After receiving notice from the board, the county auditor shall pay into the fund or funds so identified one-half of the amount received by the county from standing timber sold from lands and nurseries located in the school district, distributed proportionately as identified by the board.

The division of forestry shall not supply logs, lumber, or other forest products or minerals, taken from the state forest lands or state forest nurseries, to any other agency or subdivision of the state unless payment is made therefor in the amount of the actual prevailing value thereof. This section is applicable to the ~~moneys~~ money so received.

~~(E)~~(F) The chief may enter into a personal service contract for consulting services to assist the chief with the sale of timber or other forest products and related inventory. Compensation for consulting services shall be paid from the proceeds of the sale of timber or other forest products and related inventory that are the subject of the personal service contract.

Sec. 1503.141. (A) As used in this section, "firefighting agency" and "private fire company" have the same meanings as in section 9.60 of the Revised Code.

(B) Each fiscal year, the director of natural resources or the director's designee shall designate not more than two hundred thousand dollars in the state forest fund created in section 1503.05 of the Revised Code for wildfire suppression payments. The amount designated shall consist only of money credited to the fund from the sale of standing timber taken from state forest

lands as set forth in that section.

(C) The director or the director's designee may use money designated for wildfire suppression payments to reimburse firefighting agencies and private fire companies for their costs incurred in the suppression of wildfires in counties within fire protection areas established under section 1503.08 of the Revised Code where there is a state forest or national forest, or portion thereof. The director or the director's designee may provide such reimbursement in additional counties. The director or the director's designee shall provide such reimbursement pursuant to agreements and contracts entered into under section 1503.14 of the Revised Code and in accordance with the following schedule:

~~(A)(1)~~ For wildfire suppression on private land, an initial seventy-dollar payment to the firefighting agency or private fire company;

~~(B)(2)~~ For wildfire suppression on land under the administration or care of the department of natural resources or on land that is part of any national forest administered by the United States department of agriculture forest service, an initial one-hundred-dollar payment to the firefighting agency or private fire company;

~~(C)(3)~~ For any wildfire suppression on land specified in division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two hours, an additional payment of thirty-five dollars per hour.

~~As used in this section, "firefighting agency" and "private fire company" have the same meanings as in section 9.60 of the Revised Code (D) For wildfire suppression, prescribed fire assistance, or emergency response support to federal agencies, the division may reimburse costs in addition to the amounts set forth in division (C) of this section provided those costs are eligible in accordance with an agreement under section 1503.27 of the Revised Code.~~

Sec. 1503.271. The chief of the division of forestry may enter into agreements with the federal government under 16 U.S.C. 2113a or other applicable federal statutes for the purpose of forest management projects, including timber sales.

Sec. 1503.33. In order to further cooperation with other states and with federal agencies, the chief of the division of forestry, with the approval of the director of natural resources, may request assistance and aid from and may provide assistance and aid to other states, groups of states, and federal agencies in the protection of forests from forest fires and may enter into agreements for that purpose. Upon the request of another state, the chief may send to or receive from that state such personnel, equipment, and supplies as may be available and appropriate for use in accordance with the

terms of the applicable agreement.

Employees of the ~~division~~ department of natural resources and the department of commerce serving outside the state under the terms of an agreement entered into under this section shall be considered as performing services within their regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment. Such employees retain personal immunity from civil liability as specified in section 9.86 of the Revised Code.

Sec. 1505.09. (A) There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. Except as provided in ~~divisions~~ division (C) ~~and (D)~~ of this section, the fund shall be used for ~~both~~ any of the following purposes:

(1) Performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state;

(2) The administration of the oil and gas ~~leasing~~ land management commission created in section ~~1509.71~~ 155.31 of the Revised Code;

(3) To award grants to geology departments at state colleges and universities for undergraduate or graduate level research conducted at locations of geological interest in the state. The chief shall award grants at least annually, but at the chief's discretion, may award grants more frequently;

(4) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.

(B) The sources of money for the fund shall include all of the following:

(1) The mineral severance tax as specified in section 5749.02 of the Revised Code;

(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code;

(3) ~~Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;~~

(4) The fees collected under rules adopted under section 1505.05 of the Revised Code.

The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes.

Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund.

(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey, and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.

~~(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:~~

~~(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;~~

~~(2) To provide materials such as rock and mineral kits to state elementary and secondary schools to assist students in the study of geology.~~

~~The director shall award grants at least annually, but at the director's discretion, may award grants more frequently.~~

Sec. 1509.12. (A)(1) ~~No owner of any well~~ person shall construct or operate a well, ~~or permit defective casing in a well to leak fluids or gases,~~ that causes damage to other permeable strata, underground sources of drinking water, or the surface of the land or that threatens the public health and safety or the environment. ~~Upon~~

~~(2) No owner of a well shall permit a well to leak fluids or gases.~~

~~(3) Upon~~ the discovery that the casing in a well is defective or that a well was not adequately constructed, ~~the owner of person that owns~~ the well or that is responsible for the well shall notify the chief of the division of oil and gas resources management within twenty-four hours of the discovery, and ~~the owner~~ shall immediately repair the casing, correct the construction inadequacies, or plug and abandon the well.

(B) When the chief finds that a well should be plugged, the chief shall ~~notify the owner to that effect by order in writing~~ issue an order to the person that owns the well or that is responsible for the well to plug the well and shall specify in the order a reasonable time within which to comply. ~~No owner~~ person shall fail or refuse to plug a well within the time specified in the order. Each day on which such a well remains unplugged thereafter constitutes a separate offense.

Where the plugging method prescribed by rules adopted pursuant to section 1509.15 of the Revised Code cannot be applied or if applied would

be ineffective in carrying out the protection that the law is meant to give, the chief may designate a different method of plugging. The abandonment report shall show the manner in which the well was plugged.

(C) In case of oil or gas wells abandoned prior to September 1, 1978, the board of county commissioners of the county in which the wells are located may submit to the electors of the county the question of establishing a special fund, by general levy, by general bond issue, or out of current funds, which shall be approved by a majority of the electors voting upon that question for the purpose of plugging the wells. The fund shall be administered by the board and the plugging of oil and gas wells shall be under the supervision of the chief, and the board shall let contracts for that purpose, provided that the fund shall not be used for the purpose of plugging oil and gas wells that were abandoned subsequent to September 1, 1978.

Sec. 1509.13. (A) ~~No~~ (1) Except as otherwise provided in division (A)(2) of this section and division (E)(1) of section 1509.071 of the Revised Code, no person shall plug and abandon a well without having a permit to do so issued by the chief of the division of oil and gas resources management. The permit shall be issued by the chief in accordance with this chapter and shall be valid for a period of twenty-four months from the date of issue.

(2) The holder of a valid permit issued under section 1509.06 of the Revised Code may receive approval from an oil and gas resources inspector to plug and abandon the well associated with that permit, without obtaining the permit required under division (A) of this section, if either of the following apply:

(a) The well was drilled to total depth and the well cannot or will not be completed.

(b) The well is a lost hole or dry hole.

(3) A permit holder plugging a well pursuant to division (A)(2)(a) of this section shall plug the well within thirty days of receipt of approval from the oil and gas resources inspector.

(4) A permit holder plugging a well pursuant to division (A)(2)(b) of this section shall plug the well immediately after determining that the well is a lost hole or dry hole in accordance with rules adopted under this chapter.

(B) ~~Application by the owner~~ The application for a permit to plug and abandon shall be filed as many days in advance as will be necessary for an oil and gas resources inspector or, if the well is located in a coal bearing township, both a deputy mine inspector and an oil and gas resources inspector to be present at the plugging. The application shall be filed with the chief upon a form that the chief prescribes and shall contain the

following information:

- (1) The name and address of the ~~owner~~ applicant;
- (2) The signature of the ~~owner~~ applicant or the ~~owner's~~ applicant's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as that agent.
- (3) The location of the well identified by section or lot number, city, village, township, and county;
- (4) Designation of well by name and number;
- (5) The total depth of the well to be plugged;
- (6) The date and amount of last production from the well;
- (7) Other ~~data~~ information that the chief may require.

(C) Except as otherwise provided in division (E)(2)(a) of section 1509.071 of the Revised Code, ~~if oil or gas has been produced from the well,~~ the application shall be accompanied by a nonrefundable fee of two hundred fifty dollars. ~~If a well has been drilled in accordance with law and the permit is still valid, the permit holder may receive approval to plug the well from an oil and gas resources inspector so that the well can be plugged and abandoned without undue delay.~~ Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall give written notice at the same time to the owner of the land upon which the well is located and to all lessors that receive gas from the well pursuant to ~~a lease~~ an agreement. If the well penetrates or passes within one hundred feet of the excavations and workings of a mine, the owner of the well shall give written notice to the owner or lessee of that mine; of the ~~well owner's~~ well owner's intention to abandon the well and of the time when the ~~well~~ owner of the well will be prepared to commence plugging it.

(D) An applicant may file a request with the chief for expedited review of an application for a permit to plug and abandon a well. The chief may refuse to accept a request for expedited review if, in the chief's judgment, acceptance of the request will prevent the issuance, within twenty-one days of filing, of permits for which applications filed under section 1509.06 of the Revised Code are pending. In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, if applicable, a request shall be accompanied by a nonrefundable filing fee of five hundred dollars unless the chief has ordered

the applicant to plug and abandon the well. When a request for expedited review is filed, the chief shall immediately begin to process the application and shall issue a permit within seven days of the filing of the request unless the chief, by order, denies the application.

(E) This (1) Except as otherwise provided in division (E)(2) of this section, any person undertaking the plugging of a well for which a permit has been issued under this section shall obtain insurance for bodily injury coverage and property damage coverage in the amount established under section 1509.07 of the Revised Code to pay for damages or injury to property or person, including damages caused by the plugging of the well. The person shall electronically submit proof of insurance to the chief upon the chief's request.

(2) Division (E)(1) of this section does not apply to a person already required to maintain an insurance policy under section 1509.07 of the Revised Code.

(F) This section does not apply to a well plugged or abandoned in compliance with section 1571.05 of the Revised Code.

Sec. 1509.28. (A) The chief of the division of oil and gas resources management, upon the chief's own motion or upon application by the owners of sixty-five per cent of the land area overlying the pool, shall hold a hearing to consider the need for the operation as a unit of an entire pool or part thereof. In calculating the sixty-five per cent, an owner's entire interest in each tract in the proposed unit area, including any divided, undivided, partial, fee, or other interest in the tract, shall be included to the fullest extent of that interest. An application by owners shall be accompanied by a nonrefundable fee of ten thousand dollars and by such information as the chief may request.

The chief shall make an order providing for the unit operation of a pool or part thereof if the chief finds that such operation is reasonably necessary to increase substantially the ultimate recovery of oil and gas, and the value of the estimated additional recovery of oil or gas exceeds the estimated additional cost incident to conducting the operation. The order shall be upon terms and conditions that are just and reasonable and shall prescribe a plan for unit operations that shall include:

- (1) A description of the unitized area, termed the unit area;
- (2) A statement of the nature of the operations contemplated;
- (3) An allocation to the separately owned tracts in the unit area of all the oil and gas that is produced from the unit area and is saved, being the production that is not used in the conduct of operations on the unit area or not unavoidably lost. The allocation shall be in accord with the agreement, if

any, of the interested parties. If there is no such agreement, the chief shall determine the value, from the evidence introduced at the hearing, of each separately owned tract in the unit area, exclusive of physical equipment, for development of oil and gas by unit operations, and the production allocated to each tract shall be the proportion that the value of each tract so determined bears to the value of all tracts in the unit area.

(4) A provision for the credits and charges to be made in the adjustment among the owners in the unit area for their respective investments in wells, tanks, pumps, machinery, materials, and equipment contributed to the unit operations;

(5) A provision providing how the expenses of unit operations, including capital investment, shall be determined and charged to the separately owned tracts and how the expenses shall be paid;

(6) A provision, if necessary, for carrying or otherwise financing any person who is unable to meet the person's financial obligations in connection with the unit, allowing a reasonable interest charge for such service;

(7) A provision for the supervision and conduct of the unit operations, in respect to which each person shall have a vote with a value corresponding to the percentage of the expenses of unit operations chargeable against the interest of that person;

(8) The time when the unit operations shall commence, and the manner in which, and the circumstances under which, the unit operations shall terminate;

(9) Such additional provisions as are found to be appropriate for carrying on the unit operations, and for the protection or adjustment of correlative rights.

(B) No order of the chief providing for unit operations shall become effective unless and until the plan for unit operations prescribed by the chief has been approved in writing by those owners who, under the chief's order, will be required to pay at least sixty-five per cent of the costs of the unit operation, and also by the royalty or, with respect to unleased acreage, fee owners of sixty-five per cent of the acreage to be included in the unit. If the plan for unit operations has not been so approved by owners and royalty owners at the time the order providing for unit operations is made, the chief shall upon application and notice hold such supplemental hearings as may be required to determine if and when the plan for unit operations has been so approved. If the owners and royalty owners, or either, owning the required percentage of interest in the unit area do not approve the plan for unit operations within a period of six months from the date on which the order

providing for unit operations is made, the order shall cease to be of force and shall be revoked by the chief.

An order providing for unit operations may be amended by an order made by the chief, in the same manner and subject to the same conditions as an original order providing for unit operations, provided that:

(1) If such an amendment affects only the rights and interests of the owners, the approval of the amendment by the royalty owners shall not be required.

(2) No such order of amendment shall change the percentage for allocation of oil and gas as established for any separately owned tract by the original order, except with the consent of all persons owning interest in the tract.

The chief, by an order, may provide for the unit operation of a pool or a part thereof that embraces a unit area established by a previous order of the chief. Such an order, in providing for the allocation of unit production, shall first treat the unit area previously established as a single tract, and the portion of the unit production so allocated thereto shall then be allocated among the separately owned tracts included in the previously established unit area in the same proportions as those specified in the previous order.

Oil and gas allocated to a separately owned tract shall be deemed, for all purposes, to have been actually produced from the tract, and all operations, including, but not limited to, the commencement, drilling, operation of, or production from a well upon any portion of the unit area shall be deemed for all purposes the conduct of such operations and production from any lease or contract for lands any portion of which is included in the unit area. The operations conducted pursuant to the order of the chief shall constitute a fulfillment of all the express or implied obligations of each lease or contract covering lands in the unit area to the extent that compliance with such obligations cannot be had because of the order of the chief.

Oil and gas allocated to any tract, and the proceeds from the sale thereof, shall be the property and income of the several persons to whom, or to whose credit, the same are allocated or payable under the order providing for unit operations.

No order of the chief or other contract relating to the sale or purchase of production from a separately owned tract shall be terminated by the order providing for unit operations, but shall remain in force and apply to oil and gas allocated to the tract until terminated in accordance with the provisions thereof.

Notwithstanding divisions (A) to ~~(H)~~(G) of section ~~1509.73~~ 155.33 of the Revised Code and rules adopted under it, the chief shall issue an order

for the unit operation of a pool or a part of a pool that encompasses a unit area for which all or a portion of the mineral rights are owned by the department of transportation.

Except to the extent that the parties affected so agree, no order providing for unit operations shall be construed to result in a transfer of all or any part of the title of any person to the oil and gas rights in any tract in the unit area. All property, whether real or personal, that may be acquired for the account of the owners within the unit area shall be the property of such owners in the proportion that the expenses of unit operations are charged.

Sec. 1513.08. (A) After a coal mining and reclamation permit application has been approved, the applicant shall file with the chief of the division of mineral resources management, on a form prescribed and furnished by the chief, the performance security required under this section that shall be payable to the state and conditioned on the faithful performance of all the requirements of this chapter and rules adopted under it and the terms and conditions of the permit.

(B) Using the information contained in the permit application; the requirements contained in the approved permit and reclamation plan; and, after considering the topography, geology, hydrology, and revegetation potential of the area of the approved permit, the probable difficulty of reclamation; the chief shall determine the estimated cost of reclamation under the initial term of the permit if the reclamation has to be performed by the division of mineral resources management in the event of forfeiture of the performance security by the applicant. The chief shall send written notice of the amount of the estimated cost of reclamation by certified mail to the applicant. The applicant shall send written notice to the chief indicating the method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator will conduct a coal mining and reclamation operation under the initial term of the permit as indicated in the application;

(2) If the applicant elects to provide performance security together with reliance on the reclamation forfeiture fund through payment of the additional tax on the severance of coal that is levied under division (A)(8) of

section 5749.02 of the Revised Code, an amount of twenty-five hundred dollars per acre of land on which the operator will conduct coal mining and reclamation under the initial term of the permit as indicated in the application. ~~However, in~~ In order for an applicant to be eligible to provide performance security in accordance with division (C)(2) of this section, the applicant, an owner and controller of the applicant, or an affiliate of the applicant shall have held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. ~~It~~

If a permit is transferred, assigned, or sold, the transferee is not eligible to provide performance security under division (C)(2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was provided in accordance with division (C)(2) of this section, the difference between the amount of that performance security and the estimated cost of reclamation as determined by the chief under division (B) of this section shall be obtained from money in the reclamation forfeiture fund as needed to complete the reclamation.

The performance security provided under division (C) of this section for the entire area to be mined under one permit issued under this chapter shall not be less than ten thousand dollars.

The performance security shall cover areas of land affected by mining within or immediately adjacent to the permitted area, so long as the total number of acres does not exceed the number of acres for which the performance security is provided. However, the authority for the performance security to cover areas of land immediately adjacent to the permitted area does not authorize a permittee to mine areas outside an approved permit area. As succeeding increments of coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file with the chief additional performance security to cover the increments in accordance with this section. If a permittee intends to mine areas outside the approved permit area, the permittee shall provide additional performance security in accordance with this section to cover the areas to be mined.

If an applicant or permittee ~~has is~~ is not held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more eligible to provide performance security in accordance with division (C)(2) of this section, the applicant or permittee shall provide

performance security in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief for a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine. If an applicant for a permit for a coal preparation plant or coal refuse disposal area or a permittee of a permitted coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine has held a permit issued under this chapter for any coal mining and reclamation operation for a period of five years or more, the applicant or permittee may provide performance security for the coal preparation plant or coal refuse disposal area either in accordance with division (C)(1) of this section in the full amount of the estimated cost of reclamation as determined by the chief or in accordance with division (C)(2) of this section in an amount of twenty-five hundred dollars per acre of land with reliance on the reclamation forfeiture fund. If a permittee has previously provided performance security under division (C)(1) of this section for a coal preparation plant or coal refuse disposal area that is not located within a permitted area of a mine and elects to provide performance security in accordance with division (C)(2) of this section, the permittee shall submit written notice to the chief indicating that the permittee elects to provide performance security in accordance with division (C)(2) of this section. Upon receipt of such a written notice, the chief shall release to the permittee the amount of the performance security previously provided under division (C)(1) of this section that exceeds the amount of performance security that is required to be provided under division (C)(2) of this section.

(D) A permittee's liability under the performance security shall be limited to the obligations established under the permit, which include completion of the reclamation plan in order to make the land capable of supporting the postmining land use that was approved in the permit. The period of liability under the performance security shall be for the duration of the coal mining and reclamation operation and for a period coincident with the operator's responsibility for revegetation requirements under section 1513.16 of the Revised Code.

(E) The amount of the estimated cost of reclamation determined under division (B) of this section and the amount of a permittee's performance security provided in accordance with division (C)(1) of this section shall be adjusted by the chief as the land that is affected by mining increases or decreases or if the cost of reclamation increases or decreases. If the performance security was provided in accordance with division (C)(2) of this section and the chief has issued a cessation order under division (D)(2)

of section 1513.02 of the Revised Code for failure to abate a violation of the contemporaneous reclamation requirement under division (A)(15) of section 1513.16 of the Revised Code, the chief may require the permittee to increase the amount of performance security from twenty-five hundred dollars per acre of land to five thousand dollars per acre of land.

The chief shall notify the permittee, each surety, and any person who has a property interest in the performance security and who has requested to be notified of any proposed adjustment to the performance security. The permittee may request an informal conference with the chief concerning the proposed adjustment, and the chief shall provide such an informal conference.

If the chief increases the amount of performance security under this division, the permittee shall provide additional performance security in an amount determined by the chief. If the chief decreases the amount of performance security under this division, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount of reduction to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief.

(F) A permittee may request a reduction in the amount of the performance security by submitting to the chief documentation proving that the amount of the performance security provided by the permittee exceeds the estimated cost of reclamation if the reclamation would have to be performed by the division in the event of forfeiture of the performance security. The chief shall examine the documentation and determine whether the permittee's performance security exceeds the estimated cost of reclamation. If the chief determines that the performance security exceeds that estimated cost, the chief shall determine the amount of the reduction of the performance security and send written notice of the amount to the permittee. The permittee may reduce the amount of the performance security in the amount determined by the chief. Adjustments in the amount of performance security under this division shall not be considered release of performance security and are not subject to section 1513.16 of the Revised Code.

(G) If the performance security is a bond, it shall be executed by the operator and a corporate surety licensed to do business in this state. If the performance security is a cash deposit or negotiable certificates of deposit of a bank or savings and loan association, the bank or savings and loan association shall be licensed and operating in this state. The cash deposit or market value of the securities shall be equal to or greater than the amount of the performance security required under this section. The chief shall review

any documents pertaining to the performance security and approve or disapprove the documents. The chief shall notify the applicant of the chief's determination.

(H) If the performance security is a bond, the chief may accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the chief the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond the amount.

(I) Performance security provided under this section may be held in trust, provided that the state is the primary beneficiary of the trust and the custodian of the performance security held in trust is a bank, trust company, or other financial institution that is licensed and operating in this state. The chief shall review the trust document and approve or disapprove the document. The chief shall notify the applicant of the chief's determination.

(J) If a surety, bank, savings and loan association, trust company, or other financial institution that holds the performance security required under this section becomes insolvent, the permittee shall notify the chief of the insolvency, and the chief shall order the permittee to submit a plan for replacement performance security within thirty days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(1) of this section, the permittee shall provide the replacement performance security within ninety days after receipt of notice from the chief. If the permittee provided performance security in accordance with division (C)(2) of this section, the permittee shall provide the replacement performance security within one year after receipt of notice from the chief, and, for a period of one year after the permittee's receipt of notice from the chief or until the permittee provides the replacement performance security, whichever occurs first, money in the reclamation forfeiture fund shall be the permittee's replacement performance security in an amount not to exceed the estimated cost of reclamation as determined by the chief.

(K) If a permittee provided performance security in accordance with division (C)(1) of this section, the permittee's responsibility for repairing material damage and replacement of water supply resulting from subsidence shall be satisfied by either of the following:

(1) The purchase prior to mining of a noncancelable premium-prepaid liability insurance policy in lieu of the permittee's performance security for subsidence damage. The insurance policy shall contain terms and conditions that specifically provide coverage for repairing material damage and

replacement of water supply resulting from subsidence.

(2) The provision of additional performance security in the amount of the estimated cost to the division of mineral resources management to repair material damage and replace water supplies resulting from subsidence until the repair or replacement is completed. However, if such repair or replacement is completed, or compensation for structures that have been damaged by subsidence is provided, by the permittee within ninety days of the occurrence of the subsidence, additional performance security is not required. In addition, the chief may extend the ninety-day period for a period not to exceed one year if the chief determines that the permittee has demonstrated in writing that subsidence is not complete and that probable subsidence-related damage likely will occur and, as a result, the completion of repairs of subsidence-related material damage to lands or protected structures or the replacement of water supply within ninety days of the occurrence of the subsidence would be unreasonable.

(L) If the performance security provided in accordance with this section exceeds the estimated cost of reclamation, the chief may authorize the amount of the performance security that exceeds the estimated cost of reclamation together with any interest or other earnings on the performance security to be paid to the permittee.

(M) A permittee that held a valid coal mining and reclamation permit immediately prior to April 6, 2007, shall provide, not later than a date established by the chief, performance security in accordance with division (C)(1) or (2) of this section, rather than in accordance with the law as it existed prior to that date, by filing it with the chief on a form that the chief prescribes and furnishes. Accordingly, for purposes of this section, "applicant" is deemed to include such a permittee.

(N) As used in this section:

(1) "Affiliate of the applicant" means an entity that has a parent entity in common with the applicant.

(2) "Owner and controller of the applicant" means a person that has any relationship with the applicant that gives the person authority to determine directly or indirectly the manner in which the applicant conducts coal mining operations.

Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam or levee issued by the chief of the division of water resources.

A construction permit is not required under this section for:

(1) A dam that is or will be less than ten feet in height and that has or will have a storage capacity of not more than fifty acre-feet at the elevation of the top of the dam, as determined by the chief. For the purposes of this section, the height of a dam shall be measured from the natural stream bed or lowest ground elevation at the downstream or outside limit of the dam to the elevation of the top of the dam.

(2) A dam, regardless of height, that has or will have a storage capacity of not more than fifteen acre-feet at the elevation of the top of the dam, as determined by the chief;

(3) A dam, regardless of storage capacity, that is or will be six feet or less in height, as determined by the chief;

(4) A dam or levee that belongs to a class exempted by the chief;

(5) The repair, maintenance, improvement, alteration, or removal of a dam or levee that is subject to section 1521.062 of the Revised Code, unless the construction constitutes an enlargement or reconstruction of the structure as determined by the chief;

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code.

(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with any filing fee specified by rules adopted by the chief in accordance with division (I) of this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer.

All fees collected pursuant to this section, ~~and all fines collected pursuant to section 1521.99 of the Revised Code,~~ shall be deposited in the state treasury to the credit of the dam safety fund, which is hereby created. Expenditures from the fund shall be made by the chief for the purpose of administering this section and sections 1521.061 and 1521.062 of the Revised Code.

(C) The chief shall, within thirty days from the date of the receipt of the application, fee, and bond or other security, issue or deny a construction permit for the construction or may issue a construction permit conditioned upon the making of such changes in the plans and specifications for the construction as the chief considers advisable if the chief determines that the construction of the proposed dam or levee, in accordance with the plans and

specifications filed, would endanger life, health, or property.

(D) The chief may deny a construction permit after finding that a dam or levee built in accordance with the plans and specifications would endanger life, health, or property, because of improper or inadequate design, or for such other reasons as the chief may determine.

In the event the chief denies a permit for the construction of the dam or levee, or issues a permit conditioned upon a making of changes in the plans or specifications for the construction, the chief shall state the reasons therefor and so notify, in writing, the person or governmental agency making the application for a permit. If the permit is denied, the chief shall return the bond or other security to the person or governmental agency making application for the permit.

The decision of the chief conditioning or denying a construction permit is subject to appeal as provided in Chapter 119. of the Revised Code. A dam or levee built substantially at variance from the plans and specifications upon which a construction permit was issued is in violation of this section. The chief may at any time inspect any dam or levee, or site upon which any dam or levee is to be constructed, in order to determine whether it complies with this section.

(E) A registered professional engineer shall inspect the construction for which the permit was issued during all phases of construction and shall furnish to the chief such regular reports of the engineer's inspections as the chief may require. When the chief finds that construction has been fully completed in accordance with the terms of the permit and the plans and specifications approved by the chief, the chief shall approve the construction. When one year has elapsed after approval of the completed construction, and the chief finds that within this period no fact has become apparent to indicate that the construction was not performed in accordance with the terms of the permit and the plans and specifications approved by the chief, or that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the

construction. Thereafter, the chief shall inspect the construction and the cost of inspection shall be charged against the owner. Failure of the registered professional engineer to submit required inspection reports shall be deemed notice that the engineer's inspections are not being performed.

(G) The chief may order construction to cease on any dam or levee that is being built in violation of this section, and may prohibit the retention of water behind any dam or levee that has been built in violation of this section.

(H) The chief may adopt rules in accordance with Chapter 119. of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, for deposit and forfeiture of bonds and other securities required by section 1521.061 of the Revised Code, for the periodic inspection, operation, repair, improvement, alteration, or removal of all dams and levees, as specified in section 1521.062 of the Revised Code, and for establishing classes of dams or levees that are exempt from the requirements of this section and section 1521.062 of the Revised Code as being of a size, purpose, or situation that does not present a substantial hazard to life, health, or property. The chief may, by rule, limit the period during which a construction permit issued under this section is valid. The rules may allow for the extension of the period during which a permit is valid upon written request, provided that the written request includes a revised construction cost estimate, and may require the payment of an additional filing fee for the requested extension. If a construction permit expires without an extension before construction is completed, the person or agency shall apply for a new permit, and shall not continue construction until the new permit is issued.

(I) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a filing fee schedule for purposes of division (B) of this section.

Sec. 1521.061. (A)(1) Except as otherwise provided in this section, the chief of the division of water resources shall not issue a construction permit shall not be issued under section 1521.06 of the Revised Code unless the person or governmental agency applying for the permit executes and files a surety bond conditioned on completion of the dam or levee in accordance with the terms of the permit and the plans and specifications approved by the chief of the division of water resources, in an amount equal to fifty per cent of the estimated cost of the project. Except as provided in division (A)(2) of this section, the surety bond shall equal:

(a) \$50,000 for the first \$500,000 of the estimated cost of the project;

plus

(b) Twenty-five per cent of the estimated cost for the next \$4,500,000 of the estimated cost of the project; plus

(c) Ten per cent of the estimated cost that exceeds \$5,000,000.

(2) The chief may reduce the amount of the required surety bond to the amount equal to the cost estimate of construction activities necessary to render the dam nonhazardous if the cost estimate is provided by the applicant and approved by the chief.

(B) If a permittee requests an extension of the time period during which a construction permit is valid in accordance with rules adopted under section 1521.06 of the Revised Code, the chief shall determine whether the revised construction cost estimate provided with the request exceeds the original construction cost estimate that was filed with the chief by more than twenty-five per cent. If the revised construction cost estimate exceeds the original construction cost estimate by more than twenty-five per cent, the chief may require an additional surety bond to be filed ~~so that the total amount of the surety bonds equals at least fifty per cent of~~ in an amount determined in accordance with division (A) of this section based on the revised construction cost estimate.

(C) The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the attorney in fact thereof, with a certified copy of the power of attorney attached. The chief shall not approve the bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form prescribed by the chief and shall run to the state as obligee.

(D)(1) The applicant may deposit, in lieu of a bond, cash in an amount equal to the amount of the bond or United States government securities or negotiable certificates of deposit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond. Such cash or securities shall be deposited upon the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any such certificate to pledge securities of the aggregate market value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate of deposit.

(2) Immediately upon a deposit of cash, securities, or certificates of

deposit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of such deposits. An applicant making a deposit of cash, securities, or certificates of deposit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, or certificates of deposit, upon depositing with the treasurer of state cash, other United States government securities, or negotiable certificates of deposit issued by any bank organized or transacting business in this state equal in par value to the par value of the cash, securities, or certificates of deposit withdrawn. An applicant may demand and receive from the treasurer of state all interest or other income from any such securities or certificates as it becomes due. If securities so deposited with and in the possession of the treasurer of state mature or are called for payment by the issuer thereof, the treasurer of state, at the request of the applicant who deposited them, shall convert the proceeds of the redemption or payment of the securities into such other United States government securities, negotiable certificates of deposit issued by any bank organized or transacting business in this state, or cash as the applicant designates.

(E)(1) When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, or certificates of deposit forfeited in the amount set by rule of the chief. The chief shall thereupon certify the total forfeiture to the attorney general, who shall proceed to collect that amount.

(2) In lieu of total forfeiture, the surety, at its option, may cause the dam or levee to be completed as required by section 1521.06 of the Revised Code and rules of the chief, or otherwise rendered nonhazardous, or pay to the treasurer of state the cost thereof.

(F)(1) All moneys collected on account of forfeitures of bonds, cash, securities, and certificates of deposit under this section shall be credited to the dam safety fund created in section 1521.06 of the Revised Code. The chief shall make expenditures from the fund to complete dams and levees for which bonds have been forfeited or to otherwise render them nonhazardous.

(2) Expenditures from the fund for those purposes shall be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in the contract.

(G) A surety bond shall not be required for a permit for a dam or levee

that is to be designed and constructed by an agency of the United States government, if the agency files with the chief written assurance of the agency's financial responsibility for the structure ~~during the one-year period~~ for one year following the chief's approval of the completed construction provided for under division (E) of section 1521.06 of the Revised Code.

Sec. 1521.40. (A) No person shall violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(B) The attorney general, upon written request of the chief of the division of water resources, shall bring an action for an injunction or other appropriate legal or equitable action against any person who has violated, is violating, or is threatening to violate any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(C) A person who violates any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it is liable to the chief for any costs incurred by the division of water resources in investigating, mitigating, minimizing, removing, or abating the violation and conditions caused by it. The chief also may assess a civil penalty of not more than five thousand dollars per day for each day a violation occurs of any provision of this chapter, any rule or order adopted or issued under it, or any term or condition of a permit issued under it.

(D) Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs and civil penalties in the court of common pleas of Franklin county. ~~Moneys~~ Money recovered under this division for violations of sections 1521.06 to 1521.063 of the Revised Code, any rule or order adopted or issued under those sections, or any term or condition of a permit issued under those sections shall be deposited in the state treasury to the credit of the dam safety fund created in section 1521.06 of the Revised Code. Money recovered under this division for violations of sections 1521.16 and 1521.22 to 1521.35 of the Revised Code, any rule or order adopted or issued under those sections, or any term or condition of a permit issued under those sections shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 1521.05 or division (E)(1) of section 1521.16 of the Revised Code is guilty of a misdemeanor of the fourth degree. All fines collected pursuant to this division shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.

(B) Whoever violates section 1521.06 or 1521.062 of the Revised Code shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of violation constitutes a separate offense. All fines collected pursuant to this division shall be deposited in the state treasury to the credit of the dam safety fund created in section 1521.06 of the Revised Code.

(C) Whoever violates section 1521.22 of the Revised Code or the terms or conditions of a permit issued under that section shall be fined not more than ten thousand dollars for each day of violation. All fines collected pursuant to this division shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.

(D) Whoever violates section 1521.23 of the Revised Code or the terms or conditions of a permit issued under section 1521.29 of the Revised Code is guilty of a misdemeanor of the fourth degree. All fines collected pursuant to this division shall be deposited in the state treasury to the credit of the water management fund created in section 1521.22 of the Revised Code.

Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:

(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it.

(B) "Resident" means any individual who has resided in this state for not less than six months preceding the date of making application for a license or permit.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel,

crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.

(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.

(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.

(O) "Fish" means a cold-blooded vertebrate having fins.

(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.

(Q) "Wild birds" includes game birds and nongame birds.

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.

(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.

(T) "Nongame birds" includes all other wild birds not included and

defined as game birds or migratory game birds.

(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.

(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.

(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.

(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.

(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.

(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.

(AA) "Muskrat spear" means any device used in spearing muskrats.

(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.

(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpoides cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo and quillback (*Carpoides* sp., *Catostomus* sp., *Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), white perch (*Roccus americanus*), and yellow perch (*Perca flavescens*). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita map turtle (*Graptemys pseudogeographica ouachitensis*), midland painted turtle (*Chrysemys picta marginata*), red-eared slider (*Trachemys scripta elegans*), eastern spiny softshell turtle (*Apalone spinifera spinifera*), midland smooth softshell turtle (*Apalone mutica mutica*), northern fence lizard (*Sceloporus undulatus hyacinthinus*), ground

skink (*Scincella lateralis*), five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), European wall lizard (*Podarcis muralis*), queen snake (*Regina septemvittata*), Kirtland's snake (*Clonophis kirtlandii*), northern water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia erythrogaster neglecta*), northern brown snake (*Storeria dekayi dekayi*), midland brown snake (*Storeria dekayi wrightorum*), northern redbelly snake (*Storeria occipitomaculata occipitomaculata*), eastern garter snake (*Thamnophis sirtalis sirtalis*), eastern plains garter snake (*Thamnophis radix radix*), Butler's garter snake (*Thamnophis butleri*), shorthead garter snake (*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis sauritus septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), eastern smooth earth snake (*Virginia valeriae valeriae*), northern ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Ophedrys aestivus*), smooth green snake (*Ophedrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), eastern milk snake (*Lampropeltis triangulum triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*),

northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), northern two-lined salamander (*Eurycea bislineata*), longtail salamander (*Eurycea longicauda longicauda*), cave salamander (*Eurycea lucifuga*), southern two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo woodhousii fowleri*), American toad (*Bufo americanus*), eastern spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris crepitans blanchardi*), northern spring peeper (*Pseudacris crucifer crucifer*), gray treefrog (*Hyla versicolor*), Cope's gray treefrog (*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata triseriata*), mountain chorus frog (*Pseudacris brachyphona*), bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), northern leopard frog (*Rana pipiens*), pickerel frog (*Rana palustris*), southern leopard frog (*Rana utricularia*), and wood frog (*Rana sylvatica*).

(YY) "Deer" means white-tailed deer (*Odocoileus virginianus*).

(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); doves (*Columbidae*); cranes (*Gruidae*); cormorants (*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); and woodcock and snipe (*Scolopacidae*).

(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.

(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.

(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.

(EEE) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as authorized by a commercial bird shooting preserve license obtained under section 1533.72

of the Revised Code.

(FFF) "Wild animal hunting preserve" means an area of land where game, captive white-tailed deer, and nonnative wildlife, other than game birds, are released and hunted as authorized by a wild animal hunting preserve license obtained under section 1533.721 of the Revised Code.

(GGG) "Captive white-tailed deer" means legally acquired deer that are held in private ownership at a facility licensed under section 943.03 or 943.031 of the Revised Code and under section 1533.71 or 1533.721 of the Revised Code.

~~(HHH) "Lake Erie sport fishing district" means the Ohio waters of Lake Erie and its embayments, including Maumee bay, Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the entire length of all tributaries or to the first dam or designated landmark as follows:~~

~~Vermilion river—state route 2 bridge~~

~~Black river—state route 611 bridge~~

~~Rocky river—Detroit road bridge~~

~~Cuyahoga river—Harvard road bridge~~

~~Euelid creek—state route 283 bridge~~

~~Chagrin river—state route 283 bridge~~

~~Arcola creek—United States route 20 bridge~~

~~Wheeler creek—United States route 20 bridge~~

~~Cowles creek—United States route 20 bridge~~

~~Indian creek—United States route 20 bridge~~

~~Grand river—state route 535 bridge~~

~~Conneaut creek—Main street bridge, downtown Conneaut~~

~~Ashtabula river—east 24th street bridge~~

Sec. 1531.17. All fines, penalties, and forfeitures arising from prosecutions, convictions, confiscations, or otherwise under this chapter and Chapters 1517. and 1533. of the Revised Code, unless otherwise directed by the director of natural resources, shall be paid by the officer by whom collected to the director and by the director paid into the state treasury to the credit of the wildlife fund, which is hereby created, for the use of the division of wildlife. All moneys received from the sale of wild animals under division (J) of section 1531.06 of the Revised Code shall be paid into the state treasury to the credit of the wildlife fund for the use of the division. All moneys collected as license fees on nets in the Lake Erie fishing district shall be paid by the director into the state treasury to the credit of the wildlife fund for use only in the betterment and the propagation of fish therein or in otherwise propagating fish in such district. All investment earnings of the fund shall be credited to the fund. The wildlife fund shall not

be used for compensation of personnel employed by other divisions of the department of natural resources who are assigned to law enforcement duties in aid of the division of wildlife or for compensation of division of wildlife personnel for activities related to the instruction of personnel of other divisions.

The director of natural resources may use moneys from the fund to make the payments required under section 1501.29 of the Revised Code.

Sec. 1531.33. (A) The wildlife habitat fund is hereby created in the state treasury. The fund shall consist of the investment earnings of the wildlife habitat trust fund created in section 1531.32 of the Revised Code; gifts, donations, bequests, and other moneys contributed to the division of wildlife for the purposes of the fund; moneys collected under division (H) of section 1531.06 of the Revised Code; ~~moneys deposited in the fund under division (G)(2)(b) of section 1509.73 of the Revised Code~~; contributions collected under section 4503.568 of the Revised Code from issuance of the "Ohio Bullfrog" license plate; and moneys received by the division pursuant to negotiated mitigation settlements from persons who have adversely affected fish and wildlife, or their habitats, over which the division has jurisdiction under this chapter or Chapter 1533. of the Revised Code other than fish and wildlife of the Ohio river or their habitats.

(B)(1) Except as provided in division (B)(2) of this section, the fund shall be used by the division to acquire and develop lands for the preservation, propagation, and protection of wild animals.

(2) The contributions from the "Ohio Bullfrog" license plate shall be used for the protection and preservation of wetlands in Ohio and for educational programs pertaining to the bullfrog and similar wetland animals.

(C) All expenditures from the wildlife habitat fund shall be approved by the director of natural resources.

(D) Quarterly each fiscal year, the treasurer of state shall transfer the investment earnings of the wildlife habitat trust fund to the wildlife habitat fund.

Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund shall be used for boating access construction, improvements, maintenance and repair of dams and impoundments, and acquisitions, including lands and facilities for boating access, and to pay for equipment and personnel costs involved with those activities, on waters on which the operation of gasoline-powered watercraft is permissible. ~~However, not more than five hundred thousand~~

~~dollars of the annual expenditures from the fund may be used to pay for the equipment and personnel costs.~~

Sec. 1533.01. As used in this chapter, "person," "resident," "nonresident," "division rule," "rule," "closed season," "open season," "take or taking," "possession," "bag limit," "transport and transportation," "sell and sale," "whole to include part," "angling," "trotline," "fish," "measurement of fish," "wild birds," "game," "game birds," "nongame birds," "wild quadrupeds," "game quadrupeds," "fur-bearing animals," "wild animals," "hunting," "trapping," "muskrat spear," "channels and passages," "island," "reef," "fur farm," "waters," "crib," "car," "commercial fish," "fishing," "fillet," "part fillet," "round," "migrate," "spreader bar," "fishing guide," "net," "commercial fishing gear," "native wildlife," "gill net," "tag fishing tournament," "tenant," "nonnative wildlife," "reptiles," "amphibians," "deer," "domestic deer," "migratory game bird," "accompany," "all-purpose vehicle," "wholly enclosed preserve," "commercial bird shooting preserve," "wild animal hunting preserve," and "captive white-tailed deer;" ~~and "Lake Erie sport fishing district"~~ have the same meanings as in section 1531.01 of the Revised Code.

Sec. 1533.101. Any person who has a current hunting or fishing license, ~~a nonresident Lake Erie sport fishing district permit~~, a wetlands habitat stamp, a deer or wild turkey permit, or a fur taker permit pursuant to this chapter and has lost or destroyed the license, stamp, or permit, or had the license, stamp, or permit stolen, may be reissued such license, stamp, or permit. The person shall file with the clerk of the court of common pleas an application in affidavit form or, if the chief of the division of wildlife authorizes it, apply for a reissued license, stamp, or permit to an authorized agent designated by the chief, and pay a fee for each license, stamp, or permit of four dollars. The clerk or agent shall administer the oath to the applicant, issue a reissued license, stamp, or permit that shall allow the applicant to hunt, fish, or trap, as applicable, and send a copy of the reissued license, stamp, or permit to the division of wildlife.

All moneys received as fees for the issuance of reissued licenses, stamps, or permits shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the funds to which the fees for the original licenses, stamps, and permits were credited.

No person shall knowingly or willfully secure, attempt to secure, or use a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit to which the person is not entitled. No person shall knowingly or willfully issue a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker

permit under this section to any person who is not entitled to receive and use such a reissued license, stamp, or permit.

Sec. 1533.11. (A)(1) Except as provided in this section or section 1533.731 of the Revised Code, no person shall hunt deer on lands of another without first obtaining an annual deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. A deer or wild turkey permit is valid during the hunting license year in which the permit is purchased. Except as provided in rules adopted under division (B) of ~~that~~ section 1533.12 of the Revised Code, each applicant for a deer or wild turkey permit shall pay an annual fee for each permit in accordance with the following schedule:

Deer permit – resident	\$30.00
Deer permit – nonresident	\$74.00
Youth deer permit – resident and nonresident	\$15.00
Senior deer permit – resident	\$11.50 <u>\$11.00</u>
Wild turkey permit – resident	\$30.00
Wild turkey permit – nonresident	\$37.00
Youth wild turkey permit – resident and nonresident	\$15.00
Senior wild turkey permit – resident	\$11.50 <u>\$11.00</u>

(2) As used in division (A)(1) of this section:

(a) ~~"Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.~~

(b) ~~"Nonresident" means any individual who does not qualify as a resident.~~

(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.

(d)(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.

(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.

(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.

(5) The chief of the division of wildlife shall adopt any additional rules

the chief considers necessary to carry out this section and section 1533.10 of the Revised Code.

(6) An owner who is a resident of this state or an owner who is exempt from obtaining a hunting license under section 1533.10 of the Revised Code and the children of the owner of lands in this state may hunt deer or wild turkey thereon without a deer or wild turkey permit. If the owner of land in this state is a limited liability company or a limited liability partnership that consists of three or fewer individual members or partners, as applicable, an individual member or partner who is a resident of this state and the member's or partner's children of any age may hunt deer or wild turkey on the land owned by the limited liability company or limited liability partnership without a deer or wild turkey permit. In addition, if the owner of land in this state is a trust that has a total of three or fewer trustees and beneficiaries, an individual who is a trustee or beneficiary and who is a resident of this state and the individual's children of any age may hunt deer or wild turkey on the land owned by the trust without a deer or wild turkey permit. The tenant and children of the tenant may hunt deer or wild turkey on lands where they reside without a deer or wild turkey permit.

(B) A deer or wild turkey permit is not transferable. No person shall carry a deer or wild turkey permit issued in the name of another person.

(C) The wildlife refunds fund is hereby created in the state treasury. The fund shall consist of money received from application fees for deer permits that are not issued. Money in the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

Sec. 1533.321. (A) The chief of the division of wildlife may issue any of the following:

(1) Multi-year hunting or fishing licenses for three-, five-, or ten-year terms to a resident of this state;

(2) Lifetime hunting or fishing licenses to a resident of this state;

(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter.

(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that

the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually.

(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses.

(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code.

(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred into the wildlife fund created in section 1531.17 of the Revised Code.

(D)(1) Each applicant for a multi-year or lifetime fishing license who is a resident of this state shall pay a fee for each license in accordance with the following schedule:

Senior 3-year fishing license	\$27.50
	<u>26.00</u>
Senior 5-year fishing license	\$45.75
	<u>43.34</u>
Senior lifetime fishing license	\$81.00
3-year fishing license	\$52.00 <u>69.34</u>
5-year fishing license	\$86.75
	<u>115.56</u>
10-year fishing license	\$173.50
	<u>231.12</u>
Lifetime fishing license	\$450.00
	<u>576.00</u>
Youth lifetime fishing license	\$414.00

(2) As used in division (D)(1) of this section:

(a) "Youth" means an applicant who is under the age of sixteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at

the time of application for a license.

(E)(1) Each applicant for a multi-year or lifetime hunting license who is a resident of this state shall pay a fee for each license in accordance with the following schedule:

Senior 3-year hunting license	\$27.50 <u>26.00</u>
Senior 5-year hunting license	\$45.75 <u>43.34</u>
Senior lifetime hunting license	\$81.00
Youth 3-year hunting license	\$27.50 <u>26.00</u>
Youth 5-year hunting license	\$45.75 <u>43.34</u>
Youth 10-year hunting license	\$91.50 <u>86.67</u>
Youth lifetime hunting license	\$414.00
3-year hunting license	\$52.00
5-year hunting license	\$86.75 <u>86.67</u>
10-year hunting license	\$173.50 <u>173.34</u>
Lifetime hunting license	\$450.00 <u>432.00</u>

(2) As used in division (E)(1) of this section:

(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(F) If a person who is issued a multi-year hunting or fishing license or lifetime hunting or fishing license in accordance with division (A) of this section subsequently becomes a nonresident after issuance of the license, the person's license remains valid in this state during its term, regardless of residency status.

Sec. 1546.06. The chief of the division of parks and watercraft shall prepare and submit to the director of natural resources maps and descriptions of the areas of lands and waters which the chief intends to designate as state park purchase areas. Such state park purchase areas may include lands and waters at the time belonging to the state, together with lands and waters not belonging to the state but which for reasons of protection, utilization, and administration should be subject to purchase by

the state for park purposes. If such area is approved by the director of natural resources, it shall be known as a state park purchase area, and the map and description thereof, with the approval of the director of natural resources indorsed thereon, shall be filed in duplicate with the ~~auditor of state~~ director of administrative services and the attorney general.

All moneys appropriated for the purchase of lands and waters by the state for park purposes, unless specifically appropriated for the purchase of particular tracts or areas, may be expended for the purchase of lands or waters within any legally established state park purchase area. If, after the purchase of specifically designated tracts or areas, moneys from such appropriations remain unexpended, upon the request of the director of natural resources, the controlling board shall release such funds, in whole or in part, for the purchase of lands or waters within any state park purchase area.

Sec. 1546.21. (A) The chief of the division of parks and watercraft shall collect all rentals from leases of state lands and moneys for pipe permits, dock licenses, concession fees, and special privileges of any nature from all lands and waters operated and administered by the division. The chief shall keep a record of all such payments showing the amounts received, from whom, and for what purpose collected. All such payments shall be credited to the state park fund, which is hereby created in the state treasury, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code. All moneys derived from the operation of the lands, waters, facilities, and equipment by the division, except such revenues required to be set aside or paid into depositories or trust funds for the payment of bonds issued under sections 1501.12 to 1501.15 of the Revised Code, and to maintain the required reserves therefor as provided in the orders authorizing the issuance of such bonds or the trust agreements securing such bonds, and except such revenues required to be paid and credited pursuant to the bond proceedings applicable to obligations issued pursuant to section 154.22 of the Revised Code, shall accrue to the credit of the state park fund.

Except as otherwise provided in ~~division~~ divisions (B) and (C) of this section and in sections 154.22, 1501.11, and 1501.14 of the Revised Code, such fund shall not be expended for any purpose other than the

administration, operation, maintenance, development, and utilization of lands and waters, and for facilities and equipment incident thereto, administered by the division, or for the further purchase of lands and waters by the state for park and recreational purposes.

(B) The chief shall use moneys in the fund from the issuance of Ohio state parks license plates under section 4503.575 of the Revised Code only to pay the costs of state park interpretive and educational programs and displays and the development and operation of state park interpretive centers.

(C) The director of natural resources may use moneys from the fund to make the payments required under section 1501.29 of the Revised Code.

Sec. 1546.31. (A) The "Doris Duke Woods" is hereby designated within the Malabar state park in Richland county to honor Doris Duke's pioneering contributions to conservation at Malabar state park and across the nation.

(B) The "Doris Duke Woods" consists of one hundred twenty contiguous acres of Malabar state park's most mature hardwood forest located between Bromfield road and state route number ninety-five.

(C) The department of natural resources shall not remove or allow any person or governmental entity to remove timber from the "Doris Duke Woods," except for normal maintenance purposes.

Sec. 1547.533. No person shall operate a watercraft in this state if it displays an identification number or registration decal that is any of the following:

(A) Fictitious;

(B) A counterfeit or an unlawfully made copy of any identification number or registration decal;

(C) An identification number or registration decal that belongs to another watercraft.

Sec. 1547.59. The operator of a vessel involved in a collision, accident, or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty. The operator also shall give the operator's name, address, and identification of the operator's vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

Any person who renders assistance at the scene of a collision, accident, or other casualty involving a vessel is not liable in a civil action for damages or injury to persons or property resulting from any act or omission in

rendering assistance or in providing or arranging salvage, towage, medical treatment, or other assistance, except that the person is liable for willful or wanton misconduct in rendering assistance. Nothing in this section precludes recovery from any tortfeasor causing a collision, accident, or other casualty of damages caused or aggravated by the rendering of assistance.

In the case of collision, accident, or other casualty involving a vessel, the operator thereof, if the collision, accident, or other casualty results in loss of life, personal injury requiring medical treatment beyond first aid, damage to property in excess of ~~five hundred~~ one thousand dollars, or the total loss of a vessel, shall file with the chief of the division of parks and watercraft a full description of the collision, accident, or other casualty on a form prescribed by the chief.

If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the chief.

Sec. 1551.01. As used in this chapter:

(A) "Governmental agency" means the United States government or any department, agency, or instrumentality thereof; any department, agency, or instrumentality of a state government; any municipal corporation, county, township, board of education, or other political subdivision or any other body corporate and politic of a state; or any agency, commission, or authority established under an interstate compact or agreement.

(B) "Energy resource development facility" means any energy resource development, research, or conservation facility, including pilot as well as demonstration facilities, and including undivided or other interests therein, acquired or to be acquired, or constructed or to be constructed under this chapter or Chapter 6121. or 6123. of the Revised Code, or acquired or to be acquired, or constructed or to be constructed by a governmental agency or person with all or a part of the cost thereof being paid from a loan or grant under such chapters, including all buildings and facilities that the director of development ~~services~~ determines necessary for the operation of the facility, together with all property, rights, easements, and interests that may be required for the operation of the facility, which facilities may include:

(1) Any building, testing facility, testing device, or support facilities which would provide experimental, demonstration, or testing capabilities or services not otherwise available in this state and which are necessary for the accomplishment of the purposes of this chapter;

(2) Any method, process, structure, or equipment that is used to store coal, oil, natural gas, fuel for nuclear reactors, or any other form of energy;

(3) Any method, process, structure, or equipment that is used to recover

or convert coal, oil, natural gas, steam, or other form of energy from property located within the state for the purpose of supplying energy for utilization;

(4) Any method, process, structure, or equipment that is designed to result in more efficient recovery, conversion, or utilization of energy resources within the state, including any scrap tire recovery facility for which a registration certificate or permit has been issued under section 3734.78 of the Revised Code;

(5) Any improvement that is designed to improve the thermal efficiency of a building or structure or reduce the fuel or power needed to heat, cool, light, ventilate, or provide hot water in a building or structure;

(6) Any improvement designed to enable the substitution of coal or alternate fuel, other than natural gas, for natural gas or a petroleum fuel, or the conversion of coal to other fuels;

(7) Any improvement designed to enable the combustion of high sulfur coal in compliance with air or water pollution control or solid waste disposal laws, including, but not limited to, any facility for processing coal to remove sulfur before combustion of the coal, for fluidized bed combustion, or for removal of the sulfur before the products of combustion are emitted or discharged.

(C) "Cost" as applied to an energy resource development facility means the cost of acquisition and construction, the cost of acquisition of all land, rights-of-way, property rights, easements, franchise rights, and interests required for such acquisition and construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of acquiring or constructing and equipping a principal office and sub-offices of the department of development, the cost of diverting highways, interchange of highways, access roads to private property, including the cost of land or easements for such access roads, the cost of public utility and common carrier relocation or duplication, the cost of all machinery, furnishings, and equipment, financing charges, interest prior to and during construction and for no more than eighteen months after completion of construction, engineering, expenses of research and development with respect to the facility, legal expenses, plans, specifications, surveys, studies, estimates of cost and revenues, working capital, other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing such facility, administrative expense, and such other expense as may be necessary or incident to the acquisition or construction of the facility, the financing of such acquisition

or construction, including the amount authorized in the resolution of the Ohio water development authority providing for the issuance of energy resource development revenue bonds to be paid into any special funds from the proceeds of such bonds, and the financing of the placing of such facility in operation. Any obligation, cost, or expense incurred after August 26, 1975, by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described above, in connection with the acquisition or construction of a facility may be regarded as a part of the cost of such facility and may be reimbursed out of the proceeds of energy resource development revenue bonds.

(D) "Revenues" means all rentals and other charges received by the Ohio water development authority for the use or services of any energy resource development facility, any contract, gift, or grant received with respect to any energy resource development facility, and moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of an energy resource development facility, moneys received in repayment of and for interest on any loans made by the authority to a person or governmental agency, whether from the United States or any department, administration, or agency thereof, or otherwise, proceeds of energy resource development revenue bonds to the extent that the use thereof for payment of principal of, premium, if any, or interest on the bonds is authorized by the authority, proceeds from any insurance, condemnation, or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility, and income and profit from the investment of the proceeds of energy resource development revenue bonds or of any revenues.

(E) "Construction," unless the context indicates a different meaning or intent, includes construction, reconstruction, enlargement, improvement, or providing furnishings or equipment.

(F) "Energy resource development revenue bonds," unless the context indicates a different meaning or intent, includes energy resource development revenue bonds, energy resource development revenue notes, and energy resource development revenue refunding bonds.

(G) "Energy" means work or heat that is, or can be, produced from any fuel or source whatsoever.

(H) "Energy audit" means any process by which energy usage or costs of heating, cooling, lighting, and climate control in a building or structure are determined.

(I) "Energy conservation" means preservation of energy resources by

efficient utilization, and reduction of waste.

(J) "Energy conservation measure" means any modification of a building, structure, machine, appliance, vehicle, improvement, or process in order to improve its efficiency of energy use or energy costs.

(K) "Fuel" means petroleum, crude oil, petroleum product, coal, natural gas, synthetic natural or artificial gas, nuclear, or other substance used primarily for its energy content.

(L) "Net energy analysis" means the determination of the amount of energy remaining after all energy outputs have been subtracted from the energy inputs of a given system.

~~(M) "Department of development" means the development services agency and "director of development" means the director of development services.~~

Sec. 1551.33. (A) The director of development ~~services~~ shall appoint and fix the compensation of the director of the Ohio coal development office. The director shall serve at the pleasure of the director of development ~~services~~.

(B) The director of the office shall do all of the following:

(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;

(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;

(3) Initiate, undertake, and support projects to carry out the office's purposes and ensure that the projects are consistent with and meet the selection criteria established by the Ohio coal development agenda;

(4) Actively encourage joint participation in and, when feasible, joint funding of the office's projects with governmental agencies, electric utilities, universities and colleges, other public or private interests, or any other person;

(5) Establish a table of organization for and employ such employees and agents as are necessary for the administration and operation of the office. Any such employees shall be in the unclassified service and shall serve at the pleasure of the director of development ~~services~~.

(6) Convene the technical advisory committee established under section 1551.35 of the Revised Code;

(7) Review, with the assistance of the technical advisory committee, proposed coal research and development projects as defined in section 1555.01 of the Revised Code, and coal development projects, submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code. If the director and the advisory committee determine that any

such facility or project has as its purpose the enhanced use of Ohio coal in an environmentally acceptable, cost effective manner, promotes energy conservation, is cost effective, and is environmentally sound, the director shall submit to the public utilities commission a report recommending that the commission allow the recovery of costs associated with the facility or project under section 4905.304 of the Revised Code and including the reasons for the recommendation.

(8) Establish such policies, procedures, and guidelines as are necessary to achieve the office's purposes.

(C) With the approval of the director of development ~~services~~, the director of the office may exercise any of the powers and duties that the director of development ~~services~~ considers appropriate or desirable to achieve the office's purposes, including, but not limited to, the powers and duties enumerated in sections 1551.11, 1551.12, and 1551.15 of the Revised Code.

Additionally, the director of the office may make loans to governmental agencies or persons for projects to carry out the office's purposes. Fees, charges, rates of interest, times of payment of interest and principal, and other terms, conditions, and provisions of the loans shall be such as the director of the office determines to be appropriate and in furtherance of the purposes for which the loans are made. The mortgage lien securing any moneys lent by the director of the office may be subordinate to the mortgage lien securing any moneys lent or invested by a financial institution, but shall be superior to that securing any moneys lent or expended by any other person. The moneys used in making the loans shall be disbursed upon order of the director of the office.

Sec. 1551.35. (A) There is hereby established a technical advisory committee to assist the director of the Ohio coal development office in achieving the office's purposes. The director of development ~~services~~ shall appoint to the committee one member of the public utilities commission and one representative each of coal production companies, the united mine workers of America, and electric utilities, as well as two people with a background in coal research and development technology, one of whom is employed at the time of the member's appointment by a state university, as defined in section 3345.011 of the Revised Code. In addition, the committee shall include four legislative members. The speaker and minority leader of the house of representatives each shall appoint one member of the house of representatives, and the president and minority leader of the senate each shall appoint one member of the senate, to the committee. The director of environmental protection shall serve on the committee as an ex officio

member. Any member of the committee may designate in writing a substitute to serve in the member's absence on the committee. The director of environmental protection may designate in writing the chief of the air pollution control division of the environmental protection agency to represent the agency. Members shall serve on the committee at the pleasure of their appointing authority. Members of the committee appointed by the director of development ~~services~~ and, notwithstanding section 101.26 of the Revised Code, legislative members of the committee, when engaged in their official duties as members of the committee, shall be compensated on a per diem basis in accordance with division (J) of section 124.15 of the Revised Code, except that the member of the public utilities commission and, while employed by a state university, the member with a background in coal research, shall not be so compensated. Members shall receive their actual and necessary expenses incurred in the performance of their duties.

(B) The technical advisory committee shall review and make recommendations concerning the Ohio coal development agenda required under section 1551.34 of the Revised Code, project proposals, research and development projects submitted to the office by public utilities for the purpose of section 4905.304 of the Revised Code, proposals for grants, loans, and loan guarantees for purposes of sections 1555.01 to 1555.06 of the Revised Code, and such other topics as the director of the office considers appropriate.

(C) The technical advisory committee may hold an executive session at any regular or special meeting for the purpose of considering research and development project proposals or applications for assistance submitted to the Ohio coal development office under section 1551.33, or sections 1555.01 to 1555.06, of the Revised Code, to the extent that the proposals or applications consist of trade secrets or other proprietary information.

Any materials or data submitted to, made available to, or received by the department of development ~~services~~~~agency~~ or the director of the Ohio coal development office in connection with agreements for assistance entered into under this chapter or Chapter 1555. of the Revised Code, or any information taken from those materials or data for any purpose, to the extent that the materials or data consist of trade secrets or other proprietary information, are not public records for the purposes of section 149.43 of the Revised Code.

As used in this division, "trade secrets" has the same meaning as in section 1333.61 of the Revised Code.

Sec. 1561.12. An applicant for any examination or certificate under this section shall, before being examined, register the applicant's name with the

chief of the division of mineral resources management and file with the chief an affidavit as to all matters of fact establishing the applicant's right to receive the examination and a certificate from a reputable and disinterested physician as to the physical condition of the applicant showing that the applicant is physically capable of performing the duties of the office or position.

Each applicant for examination for any of the following positions shall present evidence satisfactory to the chief that the applicant has been a resident and citizen of this state for two years next preceding the date of application:

(A) An applicant for the position of deputy mine inspector of underground mines shall have had actual practical experience of not less than six years, ~~at least two of which shall have been in the underground workings of mines in this state. In the case of an applicant who would inspect underground coal mines, the two years shall consist of actual practical experience in underground coal mines. In the case of an applicant who would inspect noncoal mines, the two years shall consist of actual practical experience in noncoal mines~~ in underground mines. In lieu of two ~~of the six~~ years of ~~the~~ actual practical experience required in underground mines, the chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, ~~but such credit shall not apply as to the two years' actual practical experience required in the mines in this state.~~

The applicant shall pass an examination as to the applicant's practical and technological knowledge of mine surveying, mining machinery, and appliances; the proper development and operation of mines; the best methods of working and ventilating mines; the nature, properties, and powers of noxious, poisonous, and explosive gases, particularly methane; the best means and methods of detecting, preventing, and removing the accumulation of such gases; the use and operation of gas detecting devices and appliances; first aid to the injured; and the uses and dangers of electricity as applied and used in, at, and around mines. The applicant shall also hold a certificate for foreperson of gaseous mines issued by the chief.

(B) An applicant for the position of deputy mine inspector of surface mines shall have had actual practical mining experience of not less than six years, ~~at least two of which shall have been in surface mines in this state.~~ In lieu of two of the six years of ~~the~~ actual practical experience required, the chief may accept as the equivalent thereof a certificate evidencing graduation from an accredited school of mines or mining, after a four-year course of study, ~~but that credit shall not apply as to the two years' actual~~

~~practical experience required in the mines in this state.~~ The applicant shall pass an examination as to the applicant's practical and technological knowledge of surface mine surveying, machinery, and appliances; the proper development and operations of surface mines; first aid to the injured; and the use and dangers of explosives and electricity as applied and used in, at, and around surface mines. The applicant shall also hold a surface mine foreperson certificate issued by the chief.

(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and the applicant shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines.

The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining the applicant's qualification and ability to competently inspect and administer the mining law that relates to electricity used in and around mines and mining in this state.

(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, the applicant shall present evidence satisfactory to the chief that the applicant is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work.

The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to the applicant's practical and technological experience and training in first aid, safety, and mine rescue work.

(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The chief may provide that an equivalent combination of education and experience together with a wide knowledge of the methods of and skill in chemical analysis and research may be accepted in lieu of the above qualifications. It is preferred that the chemist shall have had actual experience in mineralogy and metallurgy.

Sec. 1561.23. (A) The chief of the division of mineral resources management shall issue the following certificates to those applicants who pass their examination:

~~(A)~~(1) Certificates for mine forepersons of gaseous mines;

- ~~(B)~~(2) Certificates for mine forepersons of nongaseous mines;
- ~~(C)~~(3) Certificates for forepersons of gaseous mines;
- ~~(D)~~(4) Certificates for forepersons of nongaseous mines;
- ~~(E)~~(5) Certificates for forepersons of surface maintenance facilities of underground or surface mines;
- ~~(F)~~(6) Certificates for mine forepersons of surface mines;
- ~~(G)~~(7) Certificates for forepersons of surface mines;
- ~~(H)~~(8) Certificates for fire bosses;
- ~~(I)~~(9) Certificates for mine electricians;
- ~~(J)~~(10) Certificates for surface mine blasters;
- ~~(K)~~(11) Certificates for shot firers.

(B) Applicants for certificates shall make application to the chief, on a form provided by the chief, for examination. All applicants shall be able to read and write the English language intelligently, and shall furnish the chief with a certificate as to the length and description of their practical experience and satisfactory evidence of their ability to perform the duties of the position for which they make application for examination.

(C) The chief may issue a certificate to an applicant for mine foreperson, foreperson, or mine electrician who holds a valid certification or other authorization from a state with which the department of natural resources has a reciprocal agreement for the certification or other authorization. However, the applicant shall pass an examination on this chapter and rules adopted under it or on any other relevant material that the chief determines to be appropriate.

A mine foreperson, foreperson, or mine electrician who has been issued a temporary certificate under section 1565.06 of the Revised Code prior to the effective date of this amendment and who holds a valid certification or other authorization from a state with which the department has a reciprocal agreement for the certification or other authorization may continue to operate under the temporary certificate until it expires or the chief suspends or revokes it.

(D) Except as provided in sections 1561.16 and 1561.17 of the Revised Code, any certificate issued by the former mine examining board prior to October 29, 1995, shall remain in effect notwithstanding the new classifications of certificates established by this section.

Sec. 1703.27. No foreign nonprofit corporation shall exercise its corporate privileges in this state in a continual course of transactions until it has first procured from the secretary of state a certificate authorizing it to do so.

Before issuing such certificate, the secretary of state shall require such

foreign corporation to file in the secretary of state's office a certificate of good standing or subsistence, setting forth the exact corporate title, the date of incorporation, and the fact that the corporation is in good standing or is a subsisting corporation, certified by the secretary of state, or other proper official, of the state under the laws of which the corporation was incorporated, and a statement, on a form prescribed by the secretary of state, verified by the oath of one of its officers, setting forth, but not limited to, the following:

- (A) The name of the corporation;
- (B) The state under the laws of which it is incorporated;
- (C) The location of its principal office;
- (D) The corporate privileges it proposes to exercise in this state;
- (E) ~~The location of its principal office in this state;~~
- (F) The appointment of a designated agent and the complete address of such agent, which shall comply with the requirements of section 1703.041 of the Revised Code;

~~(G)~~(F) Its irrevocable consent to service of process on such agent so long as the authority of the agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code.

For the filing of that statement, the secretary of state shall charge and collect the fee specified in division (I)(1) of section 111.16 of the Revised Code.

A foreign nonprofit corporation shall file an amendment with the secretary of state if there is a modification of any of the information required to be included in its statement, except for changes in information required by division ~~(F)~~(E) of this section, which shall be corrected in the same manner as described in section 1702.06 of the Revised Code. For the filing of those amendments and corrections, the secretary of state shall charge and collect the fee specified in division (B) or (R) of section 111.16 of the Revised Code.

Sections 1703.01 to 1703.31 of the Revised Code, governing foreign corporations for profit in respect to exemption from attachment, change of location of principal office, change of its designated agent or of the designated agent's address, service on the secretary of state, license certificate as prima-facie evidence, proof of due incorporation, filing of amendments evidencing changes of corporate name, merger, or consolidation, filing of certificate of surrender, service on retired corporation, and penalties or forfeitures for transacting business without license, for false reports, and for failure to comply with other applicable

provisions of such sections, shall also apply to foreign nonprofit corporations.

The secretary of state may require further reports, certificates, or information from a foreign nonprofit corporation, including verification of the continued existence of the corporation. Upon the failure of any corporation to provide the information, the secretary of state shall give notice of the failure by certified mail and, if the report is not filed within thirty days after the mailing of the notice, the license of the corporation to exercise its corporate privileges in this state shall expire and the secretary of state shall make a notation to that effect on the secretary of state's records.

Sec. 1706.83. On and after ~~January 1~~February 11, 2022, this chapter shall govern all limited liability companies, including every foreign limited liability company that files an application for registration as a foreign limited liability company on or after ~~January 1~~February 11, 2022, every foreign limited liability company that registers a name in this state on or after ~~January 1~~February 11, 2022, every foreign limited liability company that has registered a name in this state prior to ~~January 1~~February 11, 2022, and every foreign limited liability company that has filed an application for registration as a foreign limited liability company prior to ~~January 1~~February 11, 2022, pursuant to Chapter 1705. of the Revised Code.

Sec. 1707.37. (A) All fees and charges collected under this chapter shall be paid into the state treasury to the credit of the division of securities fund, which is hereby created. All expenses of the division of securities, other than those specified in division (B) of this section, shall be paid from the fund.

The fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce ~~and approved by the director of budget and management~~. The assessments shall be paid from the division of securities fund to the division of administration fund.

If moneys in the division of securities fund are determined by the director of budget and management and the director of commerce to be in excess of those necessary to defray all the expenses in any fiscal year, the director of budget and management shall transfer the excess to the general revenue fund.

(B) There is hereby created in the state treasury the division of securities investor education and enforcement expense fund, which shall consist of all money received in settlement of any violation of this chapter and any cash transfers. Money in the fund shall be used to pay expenses of the division of securities relating to education or enforcement for the protection of

securities investors and the public. The division may adopt rules pursuant to section 1707.20 of the Revised Code that establish what qualifies as such an expense.

Sec. 1707.47. (A) As used in this section and section 1707.471 of the Revised Code:

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim.

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division.

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children.

(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, not to exceed an aggregate total of two million five hundred thousand dollars in any fiscal year. Money in the Ohio investor recovery fund shall be used for the purposes identified in division (C) of this section.

(C) The division shall use the Ohio investor recovery fund only to pay awards of restitution assistance and any expenses incurred in administering this section.

(D)(1) If the Ohio investor recovery fund is reduced below two hundred fifty thousand dollars due to payment in full of restitution assistance awards that become final during a month, the division shall suspend payment of further claims that become final during that month and the following two months.

(2) At the end of the suspension period described in division (D)(1) of this section, the division shall pay the suspended claims. If the Ohio investor recovery fund would be exhausted by payment in full of the suspended claims, the amount paid to each claimant shall be prorated according to the amount remaining in the Ohio investor recovery fund at the end of the suspension period.

(E) The state shall not be liable for a determination made by the division under this section except to the extent that money is available in the Ohio investor recovery fund on the date the award is calculated.

(F) The following victims are eligible for restitution assistance:

(1) A natural person who is a resident of this state;

(2) A person, other than a natural person, that is domiciled in Ohio.

(G) The division shall not award restitution assistance as follows:

(1) To more than one claimant per victim;

(2) To a claimant on behalf of a victim that has received the full amount of restitution owed from the person ordered to pay restitution to the victim in the final order before the application for restitution assistance from the fund is filed;

(3) To a claimant if the final order identifies no pecuniary loss to the victim on whose behalf the application is made;

(4) To a claimant on behalf of a victim that assisted in the commission of the violation of this chapter;

(5) If the portion of the final order giving rise to a restitution order or otherwise establishing a pecuniary loss to the victim is overturned on appeal.

(H) If, after the division has made a restitution assistance award from the Ohio investor recovery fund under this section, the restitution award in the final order is overturned on appeal and all legal remedies have been exhausted, then the claimant shall forfeit the restitution assistance award.

Sec. 1707.471. (A) A person that is eligible for a restitution assistance award under section 1707.47 of the Revised Code may submit an application for restitution assistance to the division in a manner and form prescribed by the division of securities.

(B) To receive a restitution assistance award, the claimant shall submit an application to the division within one hundred eighty days after the date of the final order. The division may grant an extension for good cause shown by the claimant. In no case shall the division accept an application that is received more than two years after the date of the final order.

(C) The maximum award from the Ohio investor recovery fund created in section 1707.47 of the Revised Code for each claimant shall be the lesser of twenty-five thousand dollars or twenty-five per cent of the amount of monetary injury suffered by the victim as specified in the final order.

(D) The state is subrogated to the rights of the person awarded restitution assistance under section 1707.47 of the Revised Code to the extent of the award. The subrogation rights are against the person that committed the securities violation or a person liable for the pecuniary loss.

(E) The state may obtain a lien on the restitution assistance award in a separation action brought by the state or through state intervention in an action brought by or on behalf of the victim.

(F)(1) No claimant shall knowingly file or cause to be filed an application for restitution assistance or documents supporting the application that contain false, incomplete, or misleading information in any

material respect.

(2) A claimant that violates division (F)(1) of this section shall forfeit all restitution assistance provided from the fund and shall be fined not more than ten thousand dollars by the division.

(3) Notwithstanding section 1707.28 of the Revised Code, a proceeding to determine whether a violation of division (F)(1) of this section occurred shall be commenced not later than two years after the date on which the division discovered the violation or through reasonable diligence should have discovered the violation, whichever is earlier.

(G) The division shall adopt rules as necessary to implement sections 1707.47 and 1707.471 of the Revised Code, including rules governing the processes for both of the following:

(1) Reviewing applications for restitution assistance awards;

(2) Suspending awards or making a prorated payment of awards when the fund balance approaches or reaches a balance below two hundred fifty thousand dollars.

Sec. 1707.49. (A) As used in this section:

(1) "Eligible adult" means either of the following:

(a) A person sixty years of age or older;

(b) A person eligible to receive protective services pursuant to sections 5101.60 to 5101.71 of the Revised Code.

(2) "Financial exploitation" means either of the following:

(a) The wrongful or unauthorized taking, withholding, directing, appropriation, or use of money, assets, or property of an eligible adult;

(b) Any act or omission by a person, including through the use of a power of attorney or guardianship of an eligible adult, to do either of the following:

(i) Obtain control, through deception, intimidation, or undue influence, money, assets, or property of an eligible adult and thereby deprive the eligible adult of the ownership, use, benefit, or possession of the money, assets, or property;

(ii) Convert money, assets, or property of an eligible adult and thereby deprive the eligible adult of the ownership, use, benefit, or possession of the money, assets, or property.

(B) If an employee of a dealer or investment adviser has reasonable cause to believe that an eligible adult who is an account holder may be subject to past, current, or attempted financial exploitation, then both of the following apply:

(1) The employee shall follow any internal written policy, program, plan, or procedure adopted by the dealer or investment adviser for the

purpose of establishing protocols for the reporting of past, current, or attempted financial exploitation.

(2) The dealer or investment adviser may place a hold on any transaction impacted by the past, current, or attempted financial exploitation for a period of time not to exceed fifteen business days.

(C) A dealer or investment adviser shall report any transactional hold placed pursuant to division (B)(2) of this section, along with a summary of the facts and circumstances leading up to the hold, in writing immediately to the division and the county department of job and family services for the county in which the eligible adult resides.

(D) A dealer or investment adviser making a report to the division and the county department of job and family services pursuant to division (C) of this section may continue the transactional hold for up to another fifteen business days at the request of an investigating federal or state agency or if the dealer or investment adviser has not heard from either the division or the county department of job and family services within the initial fifteen-day hold period. Nothing in this section shall be construed as limiting a dealer's or investment adviser's ability to seek injunctive relief from a court of competent jurisdiction at any time for any past, current, or attempted financial exploitation.

(E) Any person participating in good faith in making a report or placing a transactional hold pursuant to this section is immune from any civil or administrative liability arising from the report or hold.

(F) Any record made available to a state agency under this section shall be considered an investigative record pursuant to division (B) of section 1707.12 of the Revised Code. Any record of a transactional hold, any report relating to the hold, and any notification of the hold shall be maintained by the dealer or investment adviser for not less than five years.

Sec. 1710.01. As used in this chapter:

(A) "Special improvement district" means a special improvement district organized under this chapter.

(B) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.

(C) "Church property" means property that is described as being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code.

(D) "Municipal executive" means the mayor, city manager, or other

chief executive officer of the municipal corporation in which a special improvement district is located.

(E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.

(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.

(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project or shoreline improvement project.

(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.

(I) "Special energy improvement project" means any property, device, structure, or equipment necessary for the acquisition, installation, equipping, and improvement of any real or personal property used for the purpose of creating a solar photovoltaic project, a solar thermal energy project, a geothermal energy project, a customer-generated energy project, or an energy efficiency improvement, whether such real or personal property is publicly or privately owned.

(J) ~~"Existing"~~⁽¹⁾ Except as provided in division (J)(2) of this section, "existing" qualified nonprofit corporation" means a nonprofit corporation that existed before the creation of the corresponding district under this chapter, that is composed of members located within or adjacent to the district, that has established a police department under section 1702.80 of the Revised Code, and that is organized for purposes that include acquisition of real property within an area specified by its articles for the subsequent transfer of such property to its members exclusively for charitable, scientific, literary, or educational purposes, or holding and maintaining and leasing such property; planning for and assisting in the development of its members; providing for the relief of the poor and distressed or underprivileged in the area and adjacent areas; combating community deterioration and lessening the burdens of government; providing or assisting others in providing housing for low- or moderate-income persons; and assisting its members by the provision of public safety and security services, parking facilities, transit service, landscaping, and parks.

(2) Regarding a special improvement district to implement a shoreline

improvement project, "existing qualified nonprofit corporation" has the same meaning as in division (J)(1) of this section, except that the nonprofit does not need to have an established police department and does not need to be organized for purposes that include the acquisition of real property.

(K) "Energy efficiency improvement" means energy efficiency technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy and that are or will be permanently fixed to real property.

(L) "Customer-generated energy project" means a wind, biomass, or gasification facility for the production of electricity that meets either of the following requirements:

(1) The facility is designed to have a generating capacity of two hundred fifty kilowatts of electricity or less.

(2) The facility is:

(a) Designed to have a generating capacity of more than two hundred fifty kilowatts of electricity;

(b) Operated in parallel with electric transmission and distribution facilities serving the real property at the site of the customer-generated energy project;

(c) Intended primarily to offset part or all of the facility owner's requirements for electricity at the site of the customer-generated energy project and is located on the facility owner's real property; and

(d) Not producing energy for direct sale by the facility owner to the public.

(M) "Reduction in demand" means a change in customer behavior or a change in customer-owned or operated assets that reduces or has the capability to reduce the demand for electricity as a result of price signals or other incentives.

(N) "Electric distribution utility" and "mercantile customer" have the same meanings as in section 4928.01 of the Revised Code.

(O) "Shoreline improvement project" means acquiring, constructing, installing, equipping, improving, maintaining, or repairing real or tangible personal property necessary or useful for making improvements to abate erosion along either the Lake Erie shoreline or any water resource.

(P) "Water resource" has the same meaning as in section 6105.01 of the Revised Code.

Sec. 1710.06. (A) The board of directors of a special improvement district may develop and adopt one or more written plans for public improvements or public services that benefit all or any part of the district.

Each plan shall set forth the specific public improvements or public services that are to be provided, identify the area in which they will be provided, and specify the method of assessment to be used. Each plan for public improvements or public services shall indicate the period of time the assessments are to be levied for the improvements and services and, if public services are included in the plan, the period of time the services are to remain in effect. Plans for public improvements may include the planning, design, construction, reconstruction, enlargement, or alteration of any public improvements and the acquisition of land for the improvements. Plans for public improvements or public services may also include, but are not limited to, provisions for the following:

(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;

(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, consulting, energy auditing, and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;

(3) Conducting court proceedings to carry out this chapter;

(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;

(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans;

(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved; and

(7) Aggregating the renewable energy credits generated by one or more special energy improvement projects within a special improvement district, upon the consent of the owners of the credits and for the purpose of negotiating and completing the sale of such credits.

(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each

participating political subdivision and the municipal executive of each municipal corporation in which the district is located, if any. The legislative authorities and municipal executives shall review the plan and, within sixty days after receiving it, may submit their comments and recommendations about it to the district. After reviewing these comments and recommendations, the board of directors may amend the plan. It may then submit the plan, amended or otherwise, in the form of a petition to members of the district whose property may be assessed for the plan. Once the petition is signed by those members who own at least sixty per cent of the front footage of property that is to be assessed and that abuts upon a street, alley, public road, place, boulevard, parkway, park entrance, easement, or other public improvement, or those members who own at least seventy-five per cent of the area to be assessed for the improvement or service, the petition may be submitted to each legislative authority for approval. Except as provided in division (H) of section 1710.02 of the Revised Code, if the special improvement district was created for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, the petition required under this division shall be signed by one hundred per cent of the owners of the area of all real property located within the area to be assessed for the special energy improvement project or shoreline improvement project.

Each legislative authority shall, by resolution, approve or reject the petition within sixty days after receiving it. If the petition is approved by the legislative authority of each participating political subdivision, the plan contained in the petition shall be effective at the earliest date on which a nonemergency resolution of the legislative authority with the latest effective date may become effective. A plan may not be resubmitted to the legislative authorities and municipal executives more than three times in any twelve-month period.

(C) Each participating political subdivision shall levy, by special assessment upon specially benefited property located within the district, the costs of any public improvements or public services plan contained in a petition approved by the participating political subdivisions under this section or division (F) of section 1710.02 of the Revised Code. The levy shall be made in accordance with the procedures set forth in Chapter 727. of the Revised Code, except that:

(1) The assessment for each improvements or services plan may be levied by any one or any combination of the methods of assessment listed in section 727.01 of the Revised Code, provided that the assessment is uniformly applied.

(2) For the purpose of levying an assessment, the board of directors may combine one or more improvements or services plans or parts of plans and levy a single assessment against specially benefited property.

(3) For purposes of special assessments levied by a township pursuant to this chapter, references in Chapter 727. of the Revised Code to the municipal corporation shall be deemed to refer to the township, and references to the legislative authority of the municipal corporation shall be deemed to refer to the board of township trustees.

Church property or property owned by a political subdivision, including any participating political subdivision in which a special improvement district is located, shall be included in and be subject to special assessments made pursuant to a plan adopted under this section or division (F) of section 1710.02 of the Revised Code, if the church or political subdivision has specifically requested in writing that its property be included within the special improvement district and the church or political subdivision is a member of the district or, in the case of a district created by an existing qualified nonprofit corporation, if the church is a member of the corporation.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under division (C) of this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

(D) All rights and privileges of property owners who are assessed under Chapter 727. of the Revised Code shall be granted to property owners assessed under this chapter, including those rights and privileges specified in sections 727.15 to 727.17 and 727.18 to 727.22 of the Revised Code and the right to notice of the resolution of necessity and the filing of the estimated assessment under section 727.13 of the Revised Code. Property owners assessed for public services under this chapter shall have the same rights and privileges as property owners assessed for public improvements under this chapter.

Sec. 1716.21. (A)(1) Except as provided in division (B) of this section or as specifically required or authorized by federal law, no agency or official of this state shall impose any filing or reporting requirement on a charitable organization, regulated or specifically exempted from regulation under Chapter 1716. of the Revised Code, that is more stringent, restrictive, or expansive than the requirements explicitly authorized by the Revised Code.

(2) Division (A)(1) of this section shall not be construed as repealing or otherwise negating any rule or requirement already in existence as of the

effective date of this section.

(3) Division (A)(1) of this section shall not be construed as negating or limiting any of the following:

(a) Any civil or criminal right, claim, or defense that the attorney general may assert under the Revised Code or common law;

(b) The authority of the attorney general to institute and prosecute an action to enforce any provision of the Revised Code the attorney general is authorized to enforce;

(c) The independent authority of the attorney general to protect charitable assets in this state.

(B) This section does not apply to any of the following:

(1) State grants and contracts;

(2) Fraud investigations;

(3) Any enforcement action taken against a specific charitable organization;

(4) Settlement agreements;

(5) Assurances of discontinuance;

(6) Court judgments;

(7) Entities operating under Chapter 2915. of the Revised Code.

Sec. 1733.321. All fees, charges, and forfeitures collected under this chapter shall be paid to the superintendent of financial institutions, who shall deposit them into the state treasury to the credit of the credit unions fund, which is hereby established, and may be expended or obligated by the superintendent for the defrayment of the costs of regulation of credit unions. All actual and necessary expenses incurred by the superintendent, including any services rendered by the department of commerce for the benefit of credit unions, shall be paid from the fund. The fund shall be assessed a proportionate share of the administrative costs of the department of commerce and the division of financial institutions. The proportionate share of the administrative costs of the division of financial institutions shall be determined in accordance with procedures prescribed by the superintendent ~~and approved by the director of budget and management~~. Such assessment shall be paid from the credit unions fund to the division of administration fund or the financial institutions fund.

Sec. 1901.31. The clerk and deputy clerks of a municipal court shall be selected, be compensated, give bond, and have powers and duties as follows:

(A) There shall be a clerk of the court who is appointed or elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton county, Miami

county, Montgomery county, Portage county, and Wayne county municipal courts and through December 31, 2008, the Cuyahoga Falls municipal court, if the population of the territory equals or exceeds one hundred thousand at the regular municipal election immediately preceding the expiration of the term of the present clerk, the clerk shall be nominated and elected by the qualified electors of the territory in the manner that is provided for the nomination and election of judges in section 1901.07 of the Revised Code.

The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of courts of Hamilton county shall be the clerk of the municipal court and may appoint an assistant clerk who shall receive the compensation, payable out of the treasury of Hamilton county in semimonthly installments, that the board of county commissioners prescribes. The clerk of courts of Hamilton county, acting as the clerk of the Hamilton county municipal court and assuming the duties of that office, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerk of courts of Hamilton county, as provided in sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, the clerks of courts of Portage county and Wayne county shall be the clerks, respectively, of the Portage county and Wayne county municipal courts and may appoint a chief deputy clerk for each branch that is established pursuant to section 1901.311 of the Revised Code and assistant clerks as the judges of the municipal court determine are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Portage county and Wayne county, acting as the clerks of the Portage county and Wayne county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) In the Montgomery county and Miami county municipal courts, the clerks of courts of Montgomery county and Miami county shall be the

clerks, respectively, of the Montgomery county and Miami county municipal courts. The clerks of courts of Montgomery county and Miami county, acting as the clerks of the Montgomery county and Miami county municipal courts and assuming the duties of these offices, shall receive compensation at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code. This compensation shall be paid from the county treasury in semimonthly installments and is in addition to the annual compensation that is received for the performance of the duties of the clerks of courts of Montgomery county and Miami county, as provided in sections 325.08 and 325.18 of the Revised Code.

(e) Except as otherwise provided in division (A)(1)(e) of this section, in the Akron municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Akron for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Akron municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Akron municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and

certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(f) Except as otherwise provided in division (A)(1)(f) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Barberton municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the

office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected

shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(ii) Division (A)(1)(g)(i) of this section shall have no effect after December 31, 2008.

(h) Except as otherwise provided in division (A)(1)(h) of this section, in the Toledo municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Toledo for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Toledo municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of

January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Perry county, Putnam county, Sandusky county, Lima, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lima, Lorain, Massillon, and Youngstown municipal courts, the clerk shall be elected for a term of office as described in division (A)(1)(a) of this section.

(c) In the Auglaize county, Brown county, Holmes county, Perry county, Putnam county, and Sandusky county municipal courts, the clerks of courts of Auglaize county, Brown county, Holmes county, Perry county, Putnam county, and Sandusky county shall be the clerks, respectively, of the Auglaize county, Brown county, Holmes county, Perry county, Putnam county, and Sandusky county municipal courts and may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and assistant clerks as the judge of the court determines are necessary, all of whom shall receive the compensation that the legislative authority prescribes. The clerks of courts of Auglaize county, Brown county, Holmes county, Perry county, Putnam county, and Sandusky county, acting as the clerks of the Auglaize county, Brown county, Holmes county, Perry county, Putnam county, and Sandusky county municipal courts and assuming the duties of these offices, shall receive compensation payable from the county treasury in semimonthly installments at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for

the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness, vacation, or other proper cause, the court may appoint a temporary clerk, who shall be paid the same compensation, have the same authority, and perform the same duties as the clerk.

(B) Except in the Hamilton county, Montgomery county, Miami county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lima, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court for which the population of the territory equals or exceeds one hundred thousand because the clerk ceases to hold the office before the end of the clerk's term or because a clerk-elect fails to take office, the vacancy shall be filled, until a successor is elected and qualified, by a person chosen by the residents of the territory of the court who are members of the county central committee of the political party by which the last occupant of that office or the clerk-elect was nominated. Not less than five nor more than fifteen days after a vacancy occurs, those members of that county central committee shall meet to make an appointment to fill the vacancy. At least four days before the date of the meeting, the chairperson or a secretary of the county central committee shall notify each such member of that county central committee by first class mail of the date, time, and place of the meeting and its purpose. A majority of all such members of that county central committee constitutes a quorum, and a majority of the quorum is required to make the appointment. If the office so vacated was occupied or was to be occupied by a person not nominated at a primary election, or if the appointment was not made by the committee members in accordance with this division, the court shall make an appointment to fill the vacancy. A successor shall be elected to fill the office for the unexpired term at the first municipal election that is held more than one hundred thirty-five days after the vacancy occurred.

(C)(1) In a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, the Holmes county, the Perry county, the Putnam county, the Sandusky county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand, the clerk of the municipal court shall receive the annual compensation that the presiding judge of the court prescribes, if the revenue of the court for the preceding calendar year, as certified by the auditor or chief fiscal officer of the municipal corporation in which the court is located or, in the case of a

county-operated municipal court, the county auditor, is equal to or greater than the expenditures, including any debt charges, for the operation of the court payable under this chapter from the city treasury or, in the case of a county-operated municipal court, the county treasury for that calendar year, as also certified by the auditor or chief fiscal officer. If the revenue of a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, the Perry county, the Putnam county, the Sandusky county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand for the preceding calendar year as so certified is not equal to or greater than those expenditures for the operation of the court for that calendar year as so certified, the clerk of a municipal court shall receive the annual compensation that the legislative authority prescribes. As used in this division, "revenue" means the total of all costs and fees that are collected and paid to the city treasury or, in a county-operated municipal court, the county treasury by the clerk of the municipal court under division (F) of this section and all interest received and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Montgomery county, Miami county, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the clerk of the municipal court shall receive annual compensation in a sum equal to eighty-five per cent of the salary of a judge of the court.

(3) The compensation of a clerk described in division (C)(1) or (2) of this section and of the clerk of the Columbiana county municipal court is payable in either semimonthly installments or biweekly installments, as determined by the payroll administrator, from the same sources and in the same manner as provided in section 1901.11 of the Revised Code, except that the compensation of the clerk of the Carroll county municipal court is payable in biweekly installments.

(D) Before entering upon the duties of the clerk's office, the clerk of a municipal court shall give bond of not less than six thousand dollars to be determined by the judges of the court, conditioned upon the faithful performance of the clerk's duties.

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers

issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain leave to proceed under that section. The clerk shall do all of the following: file and safely keep all journals, records, books, and papers belonging or appertaining to the court; record the proceedings of the court; perform all other duties that the judges of the court may prescribe; and keep a book showing all receipts and disbursements, which book shall be open for public inspection at all times.

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution of which was violated. Subject to sections 1901.024 and 4511.193 of the Revised Code, in the Hamilton county,

Lawrence county, and Ottawa county municipal courts, the clerk shall pay fifty per cent of the fines received for violation of municipal ordinances and fifty per cent of the fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the county. Subject to sections 307.515, 4511.19, and 5503.04 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court, the clerk shall pay all fines collected for the violation of state laws into the county treasury. Except in a county-operated municipal court, the clerk shall pay all costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the city treasury. The clerk of a county-operated municipal court shall pay the costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the county treasury. Moneys deposited as security for costs shall be retained pending the litigation. The clerk shall keep a separate account of all receipts and disbursements in civil and criminal cases, which shall be a permanent public record of the office. On the expiration of the term of the clerk, the clerk shall deliver the records to the clerk's successor. The clerk shall have other powers and duties as are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on the record of the case in which they are paid and shall be deposited in a state or national bank, as defined in section 1101.01 of the Revised Code, that is selected by the clerk. Any interest received upon the deposits shall be paid into the city treasury, except that, in a county-operated municipal court, the interest shall be paid into the treasury of the county in which the court is located.

On the first Monday in January of each year, the clerk shall make a list of the titles of all cases in the court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the moneys to the parties who are entitled to the moneys or to their attorneys of record. All the moneys remaining unclaimed on the first day of April of each year shall be paid by the clerk to the city treasurer, except that, in a county-operated municipal court, the moneys shall be paid to the treasurer of the county in which the court is located. The treasurer shall pay any part of the moneys at any time to the person who has the right to the moneys upon proper certification of the clerk.

(H) Deputy clerks of a municipal court other than the Carroll county

municipal court may be appointed by the clerk and shall receive the compensation, payable in either biweekly installments or semimonthly installments, as determined by the payroll administrator, out of the city treasury, that the clerk may prescribe, except that the compensation of any deputy clerk of a county-operated municipal court shall be paid out of the treasury of the county in which the court is located. The judge of the Carroll county municipal court may appoint deputy clerks for the court, and the deputy clerks shall receive the compensation, payable in biweekly installments out of the county treasury, that the judge may prescribe. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand.

(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

Sec. 1907.15. (A)(1) In counties having more than one county court judge, ~~subject to division (A)(2) of this section,~~ the presiding judge of the county court may divide the county court district into areas of separate jurisdiction and may designate the location at which each judge shall hold court. Except in county court districts exceeding one hundred twenty thousand population, each area of separate jurisdiction shall be made up of one or more townships. In assigning areas of separate jurisdiction, the presiding judge shall make each area of separate jurisdiction as equal in population and case load to others in the district as is possible under existing conditions.

Whenever the territory of a county court district is reduced by the territorial expansion of municipal court jurisdiction, the presiding judge may redetermine areas of separate jurisdiction and, if necessary, reassign areas so as to make each area of separate jurisdiction as equal in population and case load to others in the district as is possible under the altered conditions.

In county court districts exceeding one hundred twenty thousand

population, ~~subject to division (A)(2) of this section~~, the presiding judge of the county court may assign more than one county court judge to an area of separate jurisdiction. In any county court district of that nature, ~~subject to division (A)(2) of this section~~, the presiding judge from time to time may assign a judge from one area of separate jurisdiction to another area of separate jurisdiction and redetermine and reassign areas of separate jurisdiction. Upon that redetermination and reassignment, the presiding judge shall consider, in addition to population, the case load of each area of separate jurisdiction.

~~(2) The presiding judge of the county court of Jefferson county shall determine areas of separate jurisdiction for the judges of the Jefferson county county court in the manner described in division (A)(1) of this section but subject to the provisions of this division governing the location in which each judge shall hold court. The judge of the Jefferson county county court whose term commences January 1, 1993, and that judge's successors, shall hold court in Wintersville or Cross Creek township. The judge of the Jefferson county county court whose term commences January 1, 1995, and that judge's successors, shall hold court in Dillonvale. The judge of the Jefferson county county court whose term commences January 2, 1995, and that judge's successors, shall hold court in Toronto.~~

~~(3)~~ In counties having only one county court judge, the area of jurisdiction shall consist of the entire county court district, and the county court judge, with the concurrence of the board of county commissioners, shall designate the location at which the judge shall hold court.

(B) The jurisdiction of each county court judge shall be coextensive with the boundaries of the county court district.

Sec. 2133.01. Unless the context otherwise requires, as used in sections 2133.01 to 2133.15 of the Revised Code:

(A) "Adult" means an individual who is eighteen years of age or older.

(B) "Attending physician" means the physician to whom a declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility.

(C) "Comfort care" means any of the following:

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;

(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other

patient's death;

(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.

(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.

(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.

(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.

(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.

(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.

(I) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;

(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;

(5) An intermediate care facility for individuals with intellectual disabilities.

(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.

(K) "Home health agency" has the same meaning as in section ~~3701.881~~ 3740.01 of the Revised Code.

(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.

(N) "Hydration" means fluids that are artificially or technologically administered.

(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.

(P) "Intermediate care facility for the individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.

(R) "Nurse" means a person who is licensed to practice nursing as a registered nurse or to practice practical nursing as a licensed practical nurse pursuant to Chapter 4723. of the Revised Code.

(S) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(T) "Nutrition" means sustenance that is artificially or technologically administered.

(U) "Permanently unconscious state" means a state of permanent unconsciousness in a declarant or other patient that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, is characterized by both of the following:

(1) Irreversible unawareness of one's being and environment.

(2) Total loss of cerebral cortical functioning, resulting in the declarant or other patient having no capacity to experience pain or suffering.

(V) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.

(W) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(X) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(Y) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care

personnel, including the state medical board and the board of nursing.

(Z) "Qualified patient" means an adult who has executed a declaration and has been determined to be in a terminal condition or in a permanently unconscious state.

(AA) "Terminal condition" means an irreversible, incurable, and untreatable condition caused by disease, illness, or injury from which, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by a declarant's or other patient's attending physician and one other physician who has examined the declarant or other patient, both of the following apply:

(1) There can be no recovery.

(2) Death is likely to occur within a relatively short time if life-sustaining treatment is not administered.

(BB) "Tort action" means a civil action for damages for injury, death, or loss to person or property, other than a civil action for damages for breach of a contract or another agreement between persons.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;
(b) Participates in the placement of children in certified foster homes;
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family

services, department of developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of

adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Engaging in sexual activity with a child in the person's care;
- (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;
- (c) Use of restraint procedures on a child that cause injury or pain;
- (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;
- (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;
- (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;
- (c) Failure to develop a process for all of the following:
 - (i) Administration of prescription drugs or psychotropic drugs for the child;
 - (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;
 - (iii) Reporting to the licensed physician who prescribed the drug all

unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(34) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic;

(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

- (a) A substantial impairment of vision, speech, or hearing;
- (b) A congenital orthopedic impairment;
- (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.

(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

~~(46)~~(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

~~(47)~~(49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

~~(48)~~(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

~~(49)~~(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code.

~~(50)~~(52) "School year" has the same meaning as in section 3313.62 of the Revised Code.

~~(51)~~(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

~~(52)~~(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

~~(53)~~(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(54)~~(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(55)~~(57) "Temporary custody" means legal custody of a child who is

removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

~~(56)~~(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.152. The juvenile judge may enter into an agreement with the department of job and family services pursuant to section 5101.11 of the Revised Code for the purpose of reimbursing the court for foster care maintenance costs ~~and~~, associated administrative and training costs, and prevention services costs under the "Family First Prevention Services Act," Public Law 115-123, incurred on behalf of a child who is ~~either~~any of the following:

(A) Eligible for payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in the temporary or permanent custody of the court or subject to a disposition issued under division (A)(5) of section 2151.354 or division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised Code;

(B) Determined to be at serious risk of removal from the home and for whom the court has undertaken a plan of reasonable efforts to prevent such removal;

(C) At imminent risk of removal from the home and is a sibling of a child in the temporary or permanent custody of the court.

The agreement shall govern the responsibilities and duties the court shall perform in providing services to the child.

Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows:

(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to

the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly child for being an habitual truant or who is alleged to be a delinquent child for violating a court order regarding the child's prior adjudication as an unruly child for being an habitual truant;

(2) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;

(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code;

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;

(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;

(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;

(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;

(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to divisions (G), (I), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support

brought under Chapter 3115. of the Revised Code;

(12) Concerning an action commenced under section 121.38 of the Revised Code;

(13) To hear and determine violations of section 3321.38 of the Revised Code;

(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;

(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;

(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;

(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;

(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.

(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:

(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;

(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28

of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;

(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.

(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;

(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04 and 3127.01 to 3127.53 of the Revised Code and, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(2) The juvenile court shall exercise its jurisdiction in child support

matters in accordance with section 3109.05 of the Revised Code.

(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed

the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

Sec. 2151.25. (A) If a public children services agency receives a report of child abuse or neglect under section 2151.421 of the Revised Code, or a report that a child may be a dependent child, and is denied reasonable access to the child by a parent, guardian, custodian, or caregiver of the child, or to any other information necessary to determine if the child is, or at risk of becoming, an abused, neglected, or dependent child, the agency may request a juvenile court to issue an order granting the agency access to examine and interview the child, or to conduct other activities necessary to determine the risk to the child. The agency shall make the request by submitting a sworn affidavit explaining the need for the order in the juvenile court of the county in which the child has a residence or legal settlement or in which the reported abuse or neglect of the child occurred or the reported conditions exist regarding the child's dependency.

(B) The affidavit shall include the following:

(1) The particular facts of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child;

(2) The agency's efforts to gather additional information to determine whether or not the child may be, or at risk of becoming, an abused, neglected, or dependent child;

(3) The agency efforts to obtain consent from a parent, guardian, custodian, or caregiver to examine and interview the child, or to conduct other activities necessary to determine the risk to the child;

(4) The activities the agency deems necessary to determine the current risk to the child.

(C) The affidavit shall not identify the source of the allegation or allegations in the report that may indicate the child is an abused, neglected, or dependent child.

(D)(1) Upon receipt of request and a sworn affidavit submitted

according to division (A) of this section, if the court determines that probable cause exists, the court may, without a hearing, issue an order requiring the parent, guardian, custodian, or caregiver of the child comply with the agency's investigation, including, an interview and examination of the child, and other activity the court deems necessary to determine the current risk posed to the child.

(2) The court may include within the order specific instructions on the manner and location of the interview and examination of the child, as well as detail any other necessary activities.

(E) An order issued pursuant to this section is not a final, appealable order for purposes of appeal under division (B) of section 2505.02 of the Revised Code.

Sec. 2151.316. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a foster youth bill of rights for individuals who are in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement or in the Title IV-E eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services and who are subject to out-of-home care or placed with a kinship caregiver as defined in section 5101.85 of the Revised Code.

(B) If the rights of an individual, as established under division (A) of this section, conflict with the rights of a resource family or resource caregiver, as established in section 5103.163 of the Revised Code, the rights of the individual shall preempt the rights of the resource family or resource caregiver.

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 2151.362. (A)(1) In the manner prescribed by division (C)(1) or (2) of section 3313.64 of the Revised Code, as applicable, the court, at the time of making any order that removes a child from the child's own home or that vests legal or permanent custody of the child in a person other than the child's parent or a government agency, shall determine the school district that is to bear the cost of educating the child. The court shall make the determination a part of the order that provides for the child's placement or commitment. That school district shall bear the cost of educating the child unless and until the department of education determines that a different district shall be responsible for bearing that cost pursuant to division (A)(2) of this section. The court's order shall state that the determination of which

school district is responsible to bear the cost of educating the child is subject to re-determination by the department pursuant to that division.

(2) If, while the child is in the custody of a person other than the child's parent or a government agency, the department of education determines that the place of residence of the child's parent has changed since the court issued its initial order, the department may name a different school district to bear the cost of educating the child. The department shall make this new determination, and any future determinations, based on evidence received from the school district currently responsible to bear the cost of educating the child. If the department finds that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order under division (A)(1) of this section, or in the most recent determination made by the department under division (A)(2) of this section, shall continue to bear the cost of educating the child.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the facility shall be responsible for coordinating the education of the child. The facility may take any of the following measures in coordinating the education of the child:

(1) If applicable, use the chartered nonpublic school that the facility operates;

(2) Arrange with the school district responsible for bearing the cost of educating the child determined under division (A) of this section, for the facility to educate the child on its own;

(3) Contract with an educational service center for the service center to educate the child;

(4) Contract with the school district in which the facility is located for that school district to educate the child;

(5) If the child is enrolled in an internet- or computer-based community school established under Chapter 3314. of the Revised Code, and provided that the facility possesses the necessary hardware, software, and internet connectivity, permit continued instruction of the child by the internet- or computer-based community school.

If the facility coordinates the education of the child pursuant to division (B)(1), (2), (3), or (4) of this section, child's school district as determined by the court or the department, in the same manner as prescribed in division (A) of this section, shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility.

If the facility coordinates the education of the child pursuant to division (B)(5) of this section, payment for the cost of educating the child shall be made only as provided in ~~division (C) of section 3314.08~~ 3317.022 of the Revised Code.

(C) Whenever a child is placed by the court in a private institution, school, or residential treatment center or any other private facility, the state shall pay to the court a subsidy to help defray the expense of educating the child in an amount equal to the product of the daily per capita educational cost of the private facility, as determined pursuant to this section, and the number of days the child resides at the private facility, provided that the subsidy shall not exceed twenty-five hundred dollars per year per child. The daily per capita educational cost of a private facility shall be determined by dividing the actual program cost of the private facility or twenty-five hundred dollars, whichever is less, by three hundred sixty-five days or by three hundred sixty-six days for years that include February twenty-ninth. The state shall pay seventy-five per cent of the total subsidy for each year quarterly to the court. The state may adjust the remaining twenty-five per cent of the total subsidy to be paid to the court for each year to an amount that is less than twenty-five per cent of the total subsidy for that year based upon the availability of funds appropriated to the department of education for the purpose of subsidizing courts that place a child in a private institution, school, or residential treatment center or any other private facility and shall pay that adjusted amount to the court at the end of the year.

Sec. 2151.412. (A) Each public children services agency and private child placing agency shall prepare and maintain a case plan for any child to whom the agency is providing services and to whom any of the following applies:

- (1) The agency filed a complaint pursuant to section 2151.27 of the Revised Code alleging that the child is an abused, neglected, or dependent child;
- (2) The agency has temporary or permanent custody of the child;
- (3) The child is living at home subject to an order for protective supervision;
- (4) The child is in a planned permanent living arrangement.

Except as provided by division (A)(2) of section 5103.153 of the Revised Code, a private child placing agency providing services to a child who is the subject of a voluntary permanent custody surrender agreement entered into under division (B)(2) of section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.

(B) Each public children services agency shall prepare and maintain a case plan ~~or a family service plan~~ for any child for whom the agency is providing in-home services pursuant to an alternative response.

(C)(1) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671 670,~~ et seq. (1980), ~~as amended.~~

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans ~~or family service plans~~ maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an alternative response. The agencies shall maintain case plans ~~and family service plans~~ as required by those rules; however, the case plans ~~and family service plans~~ shall not be subject to any other provision of this section except as specifically required by the rules.

(D) Each public children services agency and private child placing agency that is required by division (A) of this section to maintain a case plan shall file the case plan with the court prior to the child's adjudicatory hearing but no later than thirty days after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care. If the agency does not have sufficient information prior to the adjudicatory hearing to complete any part of the case plan, the agency shall specify in the case plan the additional information necessary to complete each part of the case plan and the steps that will be taken to obtain that information. All parts of the case plan shall be completed by the earlier of thirty days after the adjudicatory hearing or the date of the dispositional hearing for the child.

(E) Any agency that is required by division (A) of this section to prepare a case plan shall attempt to obtain an agreement among all parties,

including, but not limited to, the parents, guardian, or custodian of the child and the guardian ad litem of the child regarding the content of the case plan. If all parties agree to the content of the case plan and the court approves it, the court shall journalize it as part of its dispositional order. If the agency cannot obtain an agreement upon the contents of the case plan or the court does not approve it, the parties shall present evidence on the contents of the case plan at the dispositional hearing. The court, based upon the evidence presented at the dispositional hearing and the best interest of the child, shall determine the contents of the case plan and journalize it as part of the dispositional order for the child.

(F)(1) All parties, including the parents, guardian, or custodian of the child, are bound by the terms of the journalized case plan. A party that fails to comply with the terms of the journalized case plan may be held in contempt of court.

(2) Any party may propose a change to a substantive part of the case plan, including, but not limited to, the child's placement and the visitation rights of any party. A party proposing a change to the case plan shall file the proposed change with the court and give notice of the proposed change in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days from the date the notice is sent to object to and request a hearing on the proposed change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(b) If it does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of division (F)(2) of this section, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the

proposed change not earlier than fifteen days after it is submitted to the court.

(3) If an agency has reasonable cause to believe that a child is suffering from illness or injury and is not receiving proper care and that an appropriate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm, to believe that a child is in immediate danger from the child's surroundings and that an immediate change in the child's case plan is necessary to prevent immediate or threatened physical or emotional harm to the child, or to believe that a parent, guardian, custodian, or other member of the child's household has abused or neglected the child and that the child is in danger of immediate or threatened physical or emotional harm from that person unless the agency makes an appropriate change in the child's case plan, it may implement the change without prior agreement or a court hearing and, before the end of the next day after the change is made, give all parties, the guardian ad litem of the child, and the court notice of the change. Before the end of the third day after implementing the change in the case plan, the agency shall file a statement of the change with the court and give notice of the filing accompanied by a copy of the statement to all parties and the guardian ad litem. All parties and the guardian ad litem shall have ten days from the date the notice is sent to object to and request a hearing on the change.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

(G)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to

achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional orders for protective supervision, a planned permanent living arrangement, or permanent custody.

(H) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall be guided by the following general priorities:

(1) A child who is residing with or can be placed with the child's parents within a reasonable time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time;

(2) If both parents of the child have abandoned the child, have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family;

(3) If a child described in division (H)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement

shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or has been the victim of abuse or neglect or if the child witnessed the commission in the child's household of abuse or neglect against a sibling of the child, a parent of the child, or any other person in the child's household:

(1) A requirement that the child's parents, guardian, or custodian participate in mandatory counseling;

(2) A requirement that the child's parents, guardian, or custodian participate in any supportive services that are required by or provided pursuant to the child's case plan.

(J) ~~A~~ (1) Prior to January 1, 2023, a case plan for a child in temporary custody may include, as a supplement, a plan for locating a permanent family placement. The supplement shall not be considered part of the case plan for purposes of division (E) of this section.

(2) On and after January 1, 2023, a case plan for a child in temporary custody shall include a permanency plan for the child unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of job and family services, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division (J) of this section.

(K)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after ~~the effective date of this amendment~~ September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised

Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. Each prosecuting attorney or assistant prosecuting attorney who makes such a request shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check for each parent, guardian, custodian, prospective custodian, or prospective placement who is a subject of the request.

(3) A public children services agency, prosecuting attorney, or assistant prosecuting attorney that requests a criminal records check under division (K)(1) or (2) of this section shall do both of the following:

(a) Provide to each parent, guardian, custodian, prospective custodian, or prospective placement for whom a criminal records check is requested a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section and obtain the completed form and impression sheet from the parent, guardian, custodian, prospective custodian, or prospective placement;

(b) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(4) A parent, guardian, custodian, prospective custodian, or prospective placement who is given a form and fingerprint impression sheet under division (K)(3)(a) of this section and who fails to complete the form or provide fingerprint impressions may be held in contempt of court.

Sec. 2151.416. (A) Each agency that is required by section 2151.412 of the Revised Code to prepare a case plan for a child shall complete a semiannual administrative review of the case plan no later than six months after the earlier of the date on which the complaint in the case was filed or the child was first placed in shelter care. After the first administrative review, the agency shall complete semiannual administrative reviews no later than every six months. If the court issues an order pursuant to section 2151.414 or 2151.415 of the Revised Code, the agency shall complete an administrative review no later than six months after the court's order and continue to complete administrative reviews no later than every six months after the first review, except that the court hearing held pursuant to section 2151.417 of the Revised Code may take the place of any administrative review that would otherwise be held at the time of the court hearing. When

conducting a review, the child's health and safety shall be the paramount concern.

(B) Each administrative review required by division (A) of this section shall be conducted by a review panel of at least three persons, including, but not limited to, both of the following:

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan;

(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child.

(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.

(D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following:

(1) A conclusion regarding the safety and appropriateness of the child's foster care placement;

(2) The extent of the compliance with the case plan of all parties;

(3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child;

(4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody;

(5) An updated case plan that includes any changes that the agency is proposing in the case plan;

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

(7) The names of all persons who participated in the administrative review;

(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find

biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.

(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change.

(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the custody of another institution or association certified by the

department of job and family services under section 5103.03 of the Revised Code.

Sec. 2151.4115. (A) As used in sections 2151.4116 to 2151.4122 of the Revised Code:

(1) "Kinship caregiver" has the same meaning as used in section 5101.85 of the Revised Code.

(2) "Search technology" means any locate-and-research tool, search engine, electronic database, or social media search tool available to a public children services agency or a private child placing agency.

Sec. 2151.4116. A public children services agency or private child placing agency shall make intensive efforts to identify and engage an appropriate and willing kinship caregiver for the care of a child who is in one of following:

(A) Temporary custody of the agency;

(B) A planned permanent living arrangement with the agency.

Sec. 2151.4117. (A) At every court hearing regarding a child described in section 2151.4116 of the Revised Code, the court shall determine whether the public children services agency or private child placing agency has continued intensive efforts to identify and engage appropriate and willing kinship caregivers for the child.

(B) At each hearing the court shall:

(1) Review the placement of the child to determine if the child is receiving care in the home of a kinship caregiver;

(2) Review the efforts of the agency since the previous hearing to place the child with a kinship caregiver in accordance with section 2151.33 of the Revised Code, including efforts to utilize search technology to find biological family members for the child;

(3) Review any previous court order issued under section 2151.4118 of the Revised Code to determine if the order should continue based on the child's current placement situation.

Sec. 2151.4118. A court may issue an order that determines, with respect to a child described in section 2151.4116 of the Revised Code who is not receiving care in the home of a kinship caregiver, that the continuation of the child's current placement is in the child's best interest and that intensive efforts to identify and engage an appropriate and willing kinship caregiver for the child are unnecessary if the court makes the findings in section 2151.4119 of the Revised Code.

Sec. 2151.4119. A court may issue an order under section 2151.4118 of the Revised Code if it finds all of the following:

(A) The child has been living in a stable home environment with the

child's current caregivers for the past twelve consecutive months.

(B) The current caregivers have expressed interest in providing permanency for the child.

(C) The removal of the child from the current caregivers would be detrimental to the child's emotional well-being.

Sec. 2151.4120. If a court makes the findings under section 2151.4119 of the Revised Code, the court and public children services agency or private child placing agency may consider the child's current caregiver as having a kin relationship with the child and at an equal standing to other kin in regards to permanency.

Sec. 2151.4121. If a relative who received the required notice pursuant to section 2151.33 of the Revised Code fails within six months from the date of receipt to demonstrate interest in and willingness to provide a permanent home for a child, a court may excuse the public children services agency or private child placing agency from considering such relative for placement if the court has issued an order under section 2151.4119 of the Revised Code.

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of the Revised Code shall be construed to prevent a public children services agency or private child placing agency from continuing to search or consider kinship caregivers.

Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child shall fail to immediately report that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as otherwise provided in this division or section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. If the person making the report is a peace officer, the officer shall make it to the public children services agency in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an

attorney; health care professional; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; licensed school psychologist; independent marriage and family therapist or marriage and family therapist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp, child day camp, or private, nonprofit therapeutic wilderness camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; peace officer; humane society agent; dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township in accordance with state law, an ordinance, or a resolution; person, other than a cleric, rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; employee of a county department of job and family services who is a professional and who works with children and families; superintendent or regional administrator employed by the department of youth services; superintendent, board member, or employee of a county board of developmental disabilities; investigative agent contracted with by a county board of developmental disabilities; employee of the department of developmental disabilities; employee of a facility or home that provides respite care in accordance with section 5123.171 of the Revised Code; employee of an entity that provides homemaker services; employee of a qualified organization as defined in section 2151.90 of the Revised Code; a host family as defined in section 2151.90 of the Revised Code; foster caregiver; a person performing the duties of an assessor pursuant to Chapter 3107. or 5103. of the Revised Code; third party employed by a public children services agency to assist in providing child or family related services; court appointed special advocate; or guardian ad litem.

(c) If two or more health care professionals, after providing health care services to a child, determine or suspect that the child has been or is being abused or neglected, the health care professionals may designate one of the health care professionals to report the abuse or neglect. A single report made under this division shall meet the reporting requirements of division (A)(1) of this section.

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to

that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a peace officer in the county in which the child

resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under

twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a

report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made under division (A) of this section, the health care professional may take any steps that are reasonably necessary for the release or discharge of the child to an appropriate environment. Before the child's release or discharge, the health care professional may obtain information, or consider information obtained, from other entities or individuals that have knowledge about the child. Nothing in division (D)(3) of this section shall be construed to alter the responsibilities of any person under sections 2151.27 and 2151.31 of the Revised Code.

(4) A health care professional may conduct medical examinations, tests, or procedures on the siblings of a child about whom a report has been made under division (A) of this section and on other children who reside in the same home as the child, if the professional determines that the examinations, tests, or procedures are medically necessary to diagnose or treat the siblings or other children in order to determine whether reports under division (A) of this section are warranted with respect to such siblings or other children. The results of the examinations, tests, or procedures on the siblings and other children may be included in a report made pursuant to division (A) of this section.

(5) Medical examinations, tests, or procedures conducted under divisions (D)(1) and (4) of this section and decisions regarding the release or discharge of a child under division (D)(3) of this section do not constitute a law enforcement investigation or activity.

(E)(1) When a peace officer receives a report made pursuant to division (A) or (B) of this section, upon receipt of the report, the peace officer who receives the report shall refer the report to the appropriate public children services agency, unless an arrest is made at the time of the report that results in the appropriate public children services agency being contacted concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another

type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(F) No peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised Code.

(G)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (K) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (I)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each

case to the uniform statewide automated child welfare information system that the department of job and family services shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees

and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (O) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (N) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or peace officer to which the report was made or referred, on the request of the child fatality review board, the suicide fatality review committee, or the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, shall submit a summary sheet of information providing a summary of the report to the review board or review committee of the county in which the deceased child resided at the time of death or to the director. On the request of the review board, review committee, or director, the agency or peace

officer may, at its discretion, make the report available to the review board, review committee, or director. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual abuse of a child or another type of abuse of a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have inflicted abuse or neglect on a child who is the subject of a report made pursuant to this section, including a report alleging sexual abuse of a child or another type of abuse of a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling child abuse and neglect cases in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county department of job and family services, the county department of job and family services;

(h) The county humane society;

(i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum.

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.

(3) A memorandum of understanding shall include all of the following:

(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and reported cases of child neglect, methods to be used in interviewing the child who is the subject of the report and who allegedly was abused or neglected, and standards and procedures addressing the categories of persons who may interview the child who is the subject of the report and who allegedly was abused or neglected.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (K)(1) of this

section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(L)(1) Except as provided in division (L)(4) or (5) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2) A person may request the information specified in division (L)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report.

Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (L)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (L)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this

section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (L) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (L)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(N) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(O)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the

district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not provide witness statements or police or other investigative reports.

(3) No later than three days after the day on which a public children services agency that conducted the investigation as determined pursuant to section 2151.422 of the Revised Code makes a disposition of an investigation involving a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall send written notice of the disposition of the investigation to the administrator, director, or other chief administrative officer and the owner or governing board of the out-of-home care entity. The agency shall not provide witness statements or police or other investigative reports.

(P) As used in this section:

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2151.451. ~~(A)~~ The juvenile court of the county in, to which either of the following applies regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code resides shall have, may exercise jurisdiction over the emancipated young adult for purposes of sections 2151.45 to 2151.455 of the Revised Code:

(1) The county in which the emancipated young adult resides;

(2) The county in which the emancipated young adult resided when the custody, arrangement, or care and placement described in division (A)(3)(a) of section 5101.141 of the Revised Code terminated.

~~(B)~~ A juvenile court, on its own motion or the motion of any party, may transfer a proceeding under ~~those~~ sections 2151.45 to 2151.455 of the Revised Code to a juvenile court with jurisdiction as provided in this section.

Sec. 2151.452. A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code:

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a determination as to whether the emancipated young adult's best interest is served by continuing the care and placement with the department of job and family services or its representative. ~~An emancipated young adult shall not be eligible for continued care and placement if the court finds it is not in the emancipated young adult's best interest.~~

(B) Not later than twelve months after the effective date that of the voluntary participation agreement ~~is signed~~, and annually at least once every twelve months thereafter, make a determination ~~as to whether that the~~ department or its representative has made reasonable efforts have been made to finalize a permanency plan to prepare the emancipated young adult for independence.

Sec. 2151.453. If any determination required under ~~division (B) of~~ section 2151.452 of the Revised Code is not timely made, the federal payments for foster care under division (A)(1) of section 5101.1411 of the Revised Code for the emancipated young adult shall be suspended. The payments shall resume upon a subsequent determination that reasonable

efforts have been made to prepare the emancipated young adult for independence, but only if both of the following apply:

(A) The emancipated young adult complies with division (A)(1) of section 5101.1411 of the Revised Code.

(B) There has been a timely determination of best interest under division (A) of section 2151.452 of the Revised Code.

Sec. 2303.05. The clerk of the court of common pleas may appoint one or more deputies. Such appointment or appointments shall be ~~in writing~~ signed and endorsed by the clerk and entered on the journal of the court.

Sec. 2317.54. No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

Written consent to a surgical or medical procedure or course of procedures shall, to the extent that it fulfills all the requirements in divisions (A), (B), and (C) of this section, be presumed to be valid and effective, in the absence of proof by a preponderance of the evidence that the person who sought such consent was not acting in good faith, or that the execution of the consent was induced by fraudulent misrepresentation of material facts, or that the person executing the consent was not able to communicate effectively in spoken and written English or any other language in which the consent is written. Except as herein provided, no evidence shall be admissible to impeach, modify, or limit the authorization for performance of the procedure or procedures set forth in such written consent.

(A) The consent sets forth in general terms the nature and purpose of the procedure or procedures, and what the procedures are expected to accomplish, together with the reasonably known risks, and, except in emergency situations, sets forth the names of the physicians who shall perform the intended surgical procedures.

(B) The person making the consent acknowledges that such disclosure of information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.

(C) The consent is signed by the patient for whom the procedure is to be performed, or, if the patient for any reason including, but not limited to, competence, minority, or the fact that, at the latest time that the consent is needed, the patient is under the influence of alcohol, hallucinogens, or drugs, lacks legal capacity to consent, by a person who has legal authority to

consent on behalf of such patient in such circumstances, including either of the following:

(1) The parent, whether the parent is an adult or a minor, of the parent's minor child;

(2) An adult whom the parent of the minor child has given written authorization to consent to a surgical or medical procedure or course of procedures for the parent's minor child.

Any use of a consent form that fulfills the requirements stated in divisions (A), (B), and (C) of this section has no effect on the common law rights and liabilities, including the right of a physician to obtain the oral or implied consent of a patient to a medical procedure, that may exist as between physicians and patients on July 28, 1975.

As used in this section the term "hospital" has the same meaning as in section 2305.113 of the Revised Code; ~~"home health agency" has the same meaning as in section 3701.881 of the Revised Code;~~ "ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code; ~~and~~ "hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code, and "home health agency" has the same meaning as in section 3740.01 of the Revised Code. The provisions of this division apply to hospitals, doctors of medicine, doctors of osteopathic medicine, and doctors of podiatric medicine.

Sec. 2323.52. (A) As used in this section:

(1) "Conduct" has the same meaning as in section 2323.51 of the Revised Code.

(2) "Vexatious conduct" means conduct of a party in a civil action that satisfies any of the following:

(a) The conduct obviously serves merely to harass or maliciously injure another party to the civil action.

(b) The conduct is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

(c) The conduct is imposed solely for delay.

(3) "Vexatious litigator" means any person who has habitually, persistently, and without reasonable grounds engaged in vexatious conduct in a civil action or actions, whether in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court, whether the person or another person instituted the civil action or actions, and whether the vexatious conduct was against the same party or against different parties in the civil action or actions. "Vexatious litigator" does not include a person who is authorized to practice law in the courts of this state

under the Ohio Supreme Court Rules for the Government of the Bar of Ohio unless that person is representing or has represented self pro se in the civil action or actions. For the purposes of division (A)(3) of this section, "civil action" includes a proceeding under section 2743.75 or 2743.76 of the Revised Code.

(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. The person, office of the attorney general, prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation may commence this civil action while the civil action or actions in which the habitual and persistent vexatious conduct occurred are still pending or within one year after the termination of the civil action or actions in which the habitual and persistent vexatious conduct occurred.

(C) A civil action to have a person declared a vexatious litigator shall proceed as any other civil action, and the Ohio Rules of Civil Procedure apply to the action.

(D)(1) If the person alleged to be a vexatious litigator is found to be a vexatious litigator, subject to division (D)(2) of this section, the court of common pleas may enter an order prohibiting the vexatious litigator from doing one or more of the following without first obtaining the leave of that court to proceed:

(a) Instituting legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court;

(b) Continuing any legal proceedings that the vexatious litigator had instituted in any of the courts specified in division (D)(1)(a) of this section prior to the entry of the order;

(c) Making any application, other than an application for leave to proceed under division (F)(1) of this section, in any legal proceedings instituted by the vexatious litigator or another person in any of the courts specified in division (D)(1)(a) of this section.

(2) If the court of common pleas finds a person who is authorized to practice law in the courts of this state under the Ohio Supreme Court Rules for the Government of the Bar of Ohio to be a vexatious litigator and enters an order described in division (D)(1) of this section in connection with that

finding, the order shall apply to the person only insofar as the person would seek to institute proceedings described in division (D)(1)(a) of this section on a pro se basis, continue proceedings described in division (D)(1)(b) of this section on a pro se basis, or make an application described in division (D)(1)(c) of this section on a pro se basis. The order shall not apply to the person insofar as the person represents one or more other persons in the person's capacity as a licensed and registered attorney in a civil or criminal action or proceeding or other matter in a court of common pleas, municipal court, or county court or in the court of claims. Division (D)(2) of this section does not affect any remedy that is available to a court or an adversely affected party under section 2323.51 or another section of the Revised Code, under Civil Rule 11 or another provision of the Ohio Rules of Civil Procedure, or under the common law of this state as a result of frivolous conduct or other inappropriate conduct by an attorney who represents one or more clients in connection with a civil or criminal action or proceeding or other matter in a court of common pleas, municipal court, or county court or in the court of claims.

(3) A person who is subject to an order entered pursuant to division (D)(1) of this section may not institute legal proceedings in a court of appeals, continue any legal proceedings that the vexatious litigator had instituted in a court of appeals prior to entry of the order, or make any application, other than the application for leave to proceed allowed by division (F)(2) of this section, in any legal proceedings instituted by the vexatious litigator or another person in a court of appeals without first obtaining leave of the court of appeals to proceed pursuant to division (F)(2) of this section.

(E) An order that is entered under division (D)(1) of this section shall remain in force indefinitely unless the order provides for its expiration after a specified period of time.

(F)(1) A court of common pleas that entered an order under division (D)(1) of this section shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of common pleas, municipal court, or county court unless the court of common pleas that entered that order is satisfied that the proceedings or application are not an abuse of process of the court in question and that there are reasonable grounds for the proceedings or application. If a person who has been found to be a vexatious litigator under this section requests the court of common pleas that entered an order under division (D)(1) of this section to grant the person leave to proceed as described in division (F)(1) of this

section, the period of time commencing with the filing with that court of an application for the issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

(2) A person who is subject to an order entered pursuant to division (D)(1) of this section and who seeks to institute or continue any legal proceedings in a court of appeals or to make an application, other than an application for leave to proceed under division (F)(2) of this section, in any legal proceedings in a court of appeals shall file an application for leave to proceed in the court of appeals in which the legal proceedings would be instituted or are pending. The court of appeals shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application. If a person who has been found to be a vexatious litigator under this section requests the court of appeals to grant the person leave to proceed as described in division (F)(2) of this section, the period of time commencing with the filing with the court of an application for the issuance of an order granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as a part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made.

(G) During the period of time that the order entered under division (D)(1) of this section is in force, no appeal by the person who is the subject of that order shall lie from a decision of the court of common pleas or court of appeals under division (F) of this section that denies that person leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court.

(H) The clerk of the court of common pleas that enters an order under division (D)(1) of this section shall send a certified copy of the order to the supreme court for publication in a manner that the supreme court determines is appropriate and that will facilitate the clerk of the court of claims and a clerk of a court of appeals, court of common pleas, municipal court, or county court in refusing to accept pleadings or other papers submitted for filing by persons who have been found to be a vexatious litigator under this section and who have failed to obtain leave to proceed under this section.

(I) Whenever it appears by suggestion of the parties or otherwise that a

person found to be a vexatious litigator under this section has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from the appropriate court of common pleas or court of appeals to do so under division (F) of this section, the court in which the legal proceedings are pending shall dismiss the proceedings or application of the vexatious litigator.

Sec. 2329.312. (A) All levying officers appointed or authorized by a court under this chapter to conduct the judicial or execution sale of residential property consisting of one to four single-family units shall submit quarterly reports to the attorney general ~~for the purpose of assessing the extent to which deadlines required by this chapter are met.~~ The reports shall include data on each such sale conducted by the officer, including data showing whether or not the deadlines required under division (E) of section 2308.02, division (B) of section 2329.17, and sections 2329.30 and 2329.31 of the Revised Code are met.

~~(B) Starting one year after the effective date of this section September 28, 2016, the~~ The attorney general shall ~~do all of the following:~~

~~(1) Establish and maintain a database comprised of the information submitted by levying officers pursuant to division (A) of this section;~~

~~(2) Make~~ make the information included in the ~~database~~ reports described in division (A) of this section publicly available;

~~(3) Adopt rules for the creation and administration of the database.~~

Sec. 2743.01. As used in this chapter:

(A) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions.

(B) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.

(C) "Claim for an award of reparations" or "claim" means a claim for an award of reparations made under sections 2743.51 to 2743.72 of the Revised Code.

(D) "Award of reparations" or "award" means an award made under sections 2743.51 to 2743.72 of the Revised Code.

(E)(1) "Public duty" includes, but is not limited to, any statutory, regulatory, or assumed duty concerning any action or omission of the state involving any of the following:

(a) Permitting, certifying, licensing, inspecting, investigating, supervising, regulating, auditing, monitoring, law enforcement, ~~or~~ emergency response activity, or compromising claims;

(b) Supervising, rehabilitating, or liquidating corporations or other business entities.

(2) "Public duty" does not include any action of the state under circumstances in which a special relationship can be established between the state and an injured party as provided in division (A)(3) of section 2743.02 of the Revised Code.

Sec. 2743.02. (A)(1) The state hereby waives its immunity from liability, except as provided for the office of the state fire marshal in division (G)(1) of section 9.60 and division (B) of section 3737.221 of the Revised Code and subject to division (H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this chapter in accordance with the same rules of law applicable to suits between private parties, except that the determination of liability is subject to the limitations set forth in this chapter and, in the case of state universities or colleges, in section 3345.40 of the Revised Code, and except as provided in division (A)(2) or (3) of this section. To the extent that the state has previously consented to be sued, this chapter has no applicability.

Except in the case of a civil action filed by the state, filing a civil action in the court of claims results in a complete waiver of any cause of action, based on the same act or omission, that the filing party has against any officer or employee, as defined in section 109.36 of the Revised Code. The waiver shall be void if the court determines that the act or omission was manifestly outside the scope of the officer's or employee's office or employment or that the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(2) If a claimant proves in the court of claims that an officer or employee, as defined in section 109.36 of the Revised Code, would have personal liability for the officer's or employee's acts or omissions but for the fact that the officer or employee has personal immunity under section 9.86 of the Revised Code, the state shall be held liable in the court of claims in any action that is timely filed pursuant to section 2743.16 of the Revised Code and that is based upon the acts or omissions.

(3)(a) Except as provided in division (A)(3)(b) of this section, the state is immune from liability in any civil action or proceeding involving the performance or nonperformance of a public duty, including the performance or nonperformance of a public duty that is owed by the state in relation to any action of an individual who is committed to the custody of the state.

(b) The state immunity provided in division (A)(3)(a) of this section does not apply to any action of the state under circumstances in which a special relationship can be established between the state and an injured party. A special relationship under this division is demonstrated if all of the following elements exist:

(i) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who was allegedly injured;

(ii) Knowledge on the part of the state's agents that inaction of the state could lead to harm;

(iii) Some form of direct contact between the state's agents and the injured party;

(iv) The injured party's justifiable reliance on the state's affirmative undertaking.

(B) The state hereby waives the immunity from liability of all hospitals owned or operated by one or more political subdivisions and consents for them to be sued, and to have their liability determined, in the court of common pleas, in accordance with the same rules of law applicable to suits between private parties, subject to the limitations set forth in this chapter. This division is also applicable to hospitals owned or operated by political subdivisions that have been determined by the supreme court to be subject to suit prior to July 28, 1975.

(C) Any hospital, as defined in section 2305.113 of the Revised Code, may purchase liability insurance covering its operations and activities and its agents, employees, nurses, interns, residents, staff, and members of the governing board and committees, and, whether or not such insurance is purchased, may, to the extent that its governing board considers appropriate, indemnify or agree to indemnify and hold harmless any such person against expense, including attorney's fees, damage, loss, or other liability arising out of, or claimed to have arisen out of, the death, disease, or injury of any person as a result of the negligence, malpractice, or other action or inaction of the indemnified person while acting within the scope of the indemnified person's duties or engaged in activities at the request or direction, or for the benefit, of the hospital. Any hospital electing to indemnify those persons, or to agree to so indemnify, shall reserve any funds that are necessary, in the exercise of sound and prudent actuarial judgment, to cover the potential expense, fees, damage, loss, or other liability. The superintendent of insurance may recommend, or, if the hospital requests the superintendent to do so, the superintendent shall recommend, a specific amount for any period that, in the superintendent's opinion, represents such a judgment. This authority is in addition to any authorization otherwise provided or permitted

by law.

(D) Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery ~~received by that~~ the claimant receives or is entitled to. This division does not apply to civil actions in the court of claims against a state university or college under the circumstances described in section 3345.40 of the Revised Code. The collateral benefits provisions of division (B)(2) of that section apply under those circumstances.

(E) The only defendant in original actions in the court of claims is the state. The state may file a third-party complaint or counterclaim in any civil action, except a civil action for ten thousand dollars or less, that is filed in the court of claims.

(F) A civil action against an officer or employee, as defined in section 109.36 of the Revised Code, that alleges that the officer's or employee's conduct was manifestly outside the scope of the officer's or employee's employment or official responsibilities, or that the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner shall first be filed against the state in the court of claims that has exclusive, original jurisdiction to determine, initially, whether the officer or employee is entitled to personal immunity under section 9.86 of the Revised Code and whether the courts of common pleas have jurisdiction over the civil action. The officer or employee may participate in the immunity determination proceeding before the court of claims to determine whether the officer or employee is entitled to personal immunity under section 9.86 of the Revised Code.

The filing of a claim against an officer or employee under this division tolls the running of the applicable statute of limitations until the court of claims determines whether the officer or employee is entitled to personal immunity under section 9.86 of the Revised Code.

(G) If a claim lies against an officer or employee who is a member of the Ohio national guard, and the officer or employee was, at the time of the act or omission complained of, subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 2671, et seq., the Federal Tort Claims Act is the exclusive remedy of the claimant and the state has no liability under this section.

(H) If an inmate of a state correctional institution has a claim against the state for the loss of or damage to property and the amount claimed does not exceed three hundred dollars, before commencing an action against the state in the court of claims, the inmate shall file a claim for the loss or damage under the rules adopted by the director of rehabilitation and correction

pursuant to this division. The inmate shall file the claim within the time allowed for commencement of a civil action under section 2743.16 of the Revised Code. If the state admits or compromises the claim, the director shall make payment from a fund designated by the director for that purpose. If the state denies the claim or does not compromise the claim at least sixty days prior to expiration of the time allowed for commencement of a civil action based upon the loss or damage under section 2743.16 of the Revised Code, the inmate may commence an action in the court of claims under this chapter to recover damages for the loss or damage.

The director of rehabilitation and correction shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this division.

Sec. 2743.03. (A)(1) There is hereby created a court of claims. Except as provided under section 107.43 of the Revised Code, the court of claims is a court of record and has exclusive, original jurisdiction of all civil actions against the state permitted by the waiver of immunity contained in section 2743.02 of the Revised Code and exclusive jurisdiction of the causes of action of all parties in civil actions that are removed to the court of claims. The court shall have full equity powers in all actions within its jurisdiction and may entertain and determine all counterclaims, cross-claims, and third-party claims.

(2) If the claimant in a civil action as described in division (A)(1) of this section also files a claim for a declaratory judgment, injunctive relief, or other equitable relief against the state that arises out of the same circumstances that gave rise to the civil action described in division (A)(1) of this section, the court of claims has exclusive, original jurisdiction to hear and determine that claim in that civil action. This division does not affect, and shall not be construed as affecting, the original jurisdiction of another court of this state to hear and determine a civil action in which the sole relief that the claimant seeks against the state is a declaratory judgment, injunctive relief, or other equitable relief.

(3) In addition to its exclusive, original jurisdiction as conferred by divisions (A)(1) and (2) of this section, the court of claims has exclusive, original jurisdiction as follows:

(a) As described in division (F) of section 2743.02, division (B) of section 3335.03, and division (C) of section 5903.02 of the Revised Code;

(b) Under section 2743.75 of the Revised Code to hear complaints alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, regardless of whether the public office or person responsible for public records is an office or employee of the state or of a political subdivision;

(c) Under section 2743.76 of the Revised Code to hear complaints alleging a violation of section 121.22 of the Revised Code by a public body, as defined in section 121.22 of the Revised Code.

(B) The court of claims shall sit in Franklin county, its hearings shall be public, and it shall consist of incumbent justices or judges of the supreme court, courts of appeals, or courts of common pleas, or retired justices or judges eligible for active duty pursuant to division (C) of Section 6 of Article IV, Ohio Constitution, sitting by temporary assignment of the chief justice of the supreme court. The chief justice may direct the court to sit in any county for cases on removal upon a showing of substantial hardship and whenever justice dictates.

(C)(1) A civil action against the state shall be heard and determined by a single judge. Upon application by the claimant or the state, the chief justice of the supreme court may assign a panel of three judges to hear and determine a civil action presenting novel or complex issues of law or fact. Concurrence of two members of the panel is necessary for any judgment or order.

(2) Whenever the chief justice of the supreme court believes an equitable resolution of a case will be expedited, the chief justice may appoint magistrates in accordance with Civil Rule 53 to hear the case.

(3) When any dispute under division (B) of section 153.12 of the Revised Code is brought to the court of claims, upon request of either party to the dispute, the chief justice of the supreme court shall appoint a single referee or a panel of three referees. The referees need not be attorneys, but shall be persons knowledgeable about construction contract law, a member of the construction industry panel of the American arbitration association, or an individual or individuals deemed qualified by the chief justice to serve. No person shall serve as a referee if that person has been employed by an affected state agency or a contractor or subcontractor involved in the dispute at any time in the preceding five years. Proceedings governing referees shall be in accordance with Civil Rule 53, except as modified by this division. The referee or panel of referees shall submit its report, which shall include a recommendation and finding of fact, to the judge assigned to the case by the chief justice, within thirty days of the conclusion of the hearings. Referees appointed pursuant to this division shall be compensated on a per diem basis at the same rate as is paid to judges of the court and also shall be paid their expenses. If a single referee is appointed or a panel of three referees is appointed, then, with respect to one referee of the panel, the compensation and expenses of the referee shall not be taxed as part of the costs in the case but shall be included in the budget of the court. If a panel of three referees is

appointed, the compensation and expenses of the two remaining referees shall be taxed as costs of the case.

All costs of a case shall be apportioned among the parties. The court may not require that any party deposit with the court cash, bonds, or other security in excess of two hundred dollars to guarantee payment of costs without the prior approval in each case of the chief justice.

(4) An appeal from a decision of the attorney general pursuant to sections 2743.51 to 2743.72 of the Revised Code shall be heard and determined by the court of claims.

(D) The Rules of Civil Procedure shall govern practice and procedure in all actions in the court of claims, except insofar as inconsistent with this chapter. The supreme court may promulgate rules governing practice and procedure in actions in the court as provided in Section 5 of Article IV, Ohio Constitution.

(E)(1) A party who files a counterclaim against the state or makes the state a third-party defendant in an action commenced in any court, other than the court of claims, shall file a petition for removal in the court of claims. The petition shall state the basis for removal, be accompanied by a copy of all process, pleadings, and other papers served upon the petitioner, and shall be signed in accordance with Civil Rule 11. A petition for removal based on a counterclaim shall be filed within twenty-eight days after service of the counterclaim of the petitioner. A petition for removal based on third-party practice shall be filed within twenty-eight days after the filing of the third-party complaint of the petitioner.

(2) Within seven days after filing a petition for removal, the petitioner shall give written notice to the parties, and shall file a copy of the petition with the clerk of the court in which the action was brought originally. The filing effects the removal of the action to the court of claims, and the clerk of the court where the action was brought shall forward all papers in the case to the court of claims. The court of claims shall adjudicate all civil actions removed. The court may remand a civil action to the court in which it originated upon a finding that the removal petition does not justify removal, or upon a finding that the state is no longer a party.

(3) Bonds, undertakings, or security and injunctions, attachments, sequestrations, or other orders issued prior to removal remain in effect until dissolved or modified by the court of claims.

Sec. 2743.15. (A) The director or other administrative chief, or the governing body, of any department, board, office, commission, agency, institution, or other instrumentality of the state, ~~with:~~

(1) With the approval of the attorney general and the court of claims,

may settle or compromise any civil action against the state insofar as the department, board, office, commission, agency, institution, or other instrumentality is named as a defendant;

(2) Shall notify the office of risk management in the department of administrative services of any settlement or compromise to allow for the proper reservation of funds.

(B) The acceptance by the claimant of any such compromise or settlement shall be final and conclusive on the claimant and is a complete release of the civil action against the state insofar as the particular department, board, office, commission, agency, institution, or other instrumentality is named, or could be named, as a defendant. A compromise or settlement that requires the payment of money by the state may be implemented and enforced, insofar as the payment of money is concerned, only through the procedure specified in section 2743.19 of the Revised Code, which shall be commenced by the attorney general forwarding a clerk's certified copy of the settlement instrument to the director of budget and management. A copy of the settlement instrument of actions involving the office of risk management in the department of administrative services shall be forwarded to the office of risk management for payment via the risk management reserve fund created in section 9.823 of the Revised Code.

No interest of any kind, including any kind set forth in sections 2743.18 and 2743.19 of the Revised Code, is allowed on any compromise or settlement of any civil action against the state under this section.

The authority of the department of administrative services to compromise claims does not extend to other statutory and agency programs with direct settlement authority, including activities by the department of transportation, inmate property actions described in division (H) of section 2743.02 of the Revised Code, and wrongful imprisonment actions provided for in section 2743.48 of the Revised Code.

Sec. 2743.16. (A) Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties.

(B) ~~If a person suffers injury, death, or loss to person or property from the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state, as contemplated in sections 9.821 to 9.83 of the Revised Code, the person or the representative~~

of that person or of the estate of that person shall attempt, prior to the commencement of an action based upon that injury, death, or loss, to have the claim based upon that injury, death, or loss compromised by the state office of risk management in the department of administrative services or satisfied by the state's liability insurance. No action for any such claim shall be filed in the court of claims until the person, the representative of that person, or the estate of the person asserting the claim has complied with this division. Any compromise by the office of risk management shall be paid from the risk management reserve fund created in section 9.823 of the Revised Code. The acceptance by the claimant of any such compromise or settlement shall be final and conclusive on the person or representative of the person or the person's estate and is a complete release against the state insofar as the particular department, board, office, commission, agency, institution, or other instrumentality is named, or could be named, as a defendant and results in a complete waiver of any cause of action, based on the same act or omission, that the person or representative of the person or the person's estate has against any officer or employee, as defined in section 109.36 of the Revised Code.

If the state, upon a request of the person or of ~~his or his estate's~~ the representative of the person or the person's estate to compromise such a claim, does not compromise the claim within a reasonable time after the request is made and at least sixty days prior to the expiration of the applicable period of limitations for commencement of an action based upon the injury, death, or loss, or if the amount of the claim is in excess of the state's liability insurance coverage, the person or ~~his or his estate's~~ the representative of the person or the person's estate may commence an action in the court of claims under this chapter to recover the claim or the unpaid amount of the claim from the state. Neither the person nor ~~his or his estate's~~ the representative of the person or the person's estate shall commence an action against the officer or employee to recover damages for the injury, death, or loss until after ~~he~~ the person or representative commences the action in the court of claims against the state and the action in that court is terminated. If the court of claims determines that the state is not liable for the injury, death, or loss ~~caused by the officer's or employee's operation of the automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft,~~ the person or ~~his or his estate's~~ the representative of the person or the person's estate is not prohibited by this division from commencing an action against the officer or employee to recover the claim or the unpaid amount of the claim based upon the injury, death, or loss. Nothing in this division shall affect the immunity

of any state officer or employee pursuant to section 9.86 of the Revised Code.

If a person or his or his estate's representative attempts, pursuant to this division, to have a claim compromised by the state or satisfied by the state's liability insurance, and if the state determines not to compromise the claim, the state's liability insurance will not cover the claim, or the claim is in excess of the state's liability insurance coverage, then the state shall so notify the person or his or his estate's representative in writing. The notice shall be provided as soon as possible after the state determines not to compromise the claim or it is determined that the state's liability insurance will not cover either the claim or the entire claim.

(C) All summaries, reports, and records received and maintained by the office of risk management in the department of administrative services in connection with claims against the state are not public records, shall be held in confidence, shall not be released, and shall not be subject to discovery or introduction in evidence in any federal or state civil action.

(D)(1) The period of limitations prescribed by division (A) of this section shall be tolled pursuant to section 2305.16 of the Revised Code.

(2) If a person suffers injury, death, or loss to person or property ~~from the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state~~ contemplated by sections 9.82 to 9.83 of the Revised Code, if the person or ~~his or his estate's~~ the representative of the person or the person's estate is required by division (B) of this section to attempt to have the claim based upon the injury, death, or loss compromised by the state or satisfied by the state's liability insurance prior to commencing an action based upon the injury, death, or loss, and if the person or ~~his or his estate's~~ the representative of the person or the person's estate complies with that division prior to the expiration of the applicable period of limitations prescribed by division (A) of this section for the commencement of an action in the court of claims based upon that injury, death, or loss, the period of time commencing with the submission of the claim to the state for the purposes of compromise or liability insurance satisfaction and ending with the state's compromise of the claim, the satisfaction of the claim by the state's liability insurance, or the provision of the written notice described in division (B) of this section shall not be computed as any part of the period within which an action based upon that injury, death, or loss must be brought.

(3) If a person or ~~his or his estate's~~ the representative of a person or a

person's estate commences an action to recover a claim, or the unpaid amount of a claim, against the state in the court of claims and that claim arises out of the operation of an automobile, truck, motor vehicle with auxiliary equipment, self-propelling equipment or trailer, aircraft, or watercraft by an officer or employee of the state while engaged in the course of his employment or official responsibilities for the state an injury, death, or loss contemplated by sections 9.82 to 9.83 of the Revised Code, the statute of limitations on the claim against the officer or employee shall not run during any time when the action against the state is pending in the court of claims.

Sec. 2743.19. (A) In rendering a judgment against the state, the court of claims shall determine and specify in the judgment the department, office, commission, board, agency, institution, or other instrumentality of the state against which a determination of liability has been made. The court of claims shall award compensation for fees to a prevailing party in an action under this chapter in accordance with section 2335.39 of the Revised Code.

(B) No execution shall issue against the state or any department, board, office, commission, agency, institution, or other instrumentality of the state upon any judgment for the payment of money.

(C) Judgments shall be accomplished only through the following procedure, which may be enforced by writ of mandamus directed to the appropriate official:

(1) The clerk of the court of claims shall forward a certified copy of the judgment to the director of budget and management and the attorney general or the officer who signed the investigative report for the department, office, commission, board, agency, institution, or other instrumentality of the state against which a determination of liability has been made. If the judgment requires payment from the risk management reserve fund created in section 9.823 of the Revised Code, a final signed copy of the judgment shall be forwarded to the office of risk management in the department of administrative services for payment.

(2) The expense of a judgment paid, plus interest at the same rate that is applicable to judgments rendered against private parties to a suit as specified in section 1343.03 of the Revised Code and for the number of days determined pursuant to division (B)(1) or (2) of section 2743.18 of the Revised Code, shall be charged by the director of budget and management against available unencumbered moneys in the appropriations to whichever state departments, boards, offices, commissions, agencies, institutions, or other instrumentalities are named in the judgment. The director of budget and management shall have sole discretion to determine whether or not

unencumbered moneys in a particular appropriation are available for satisfaction of a judgment.

(3) The director of budget and management, upon receipt of the certified copy of the judgment from the clerk of the court of claims pursuant to division (C)(1) of this section, shall provide for payment of the judgment creditor in the amount of the judgment certified by the clerk of the court of claims, plus interest.

(4) If the director of budget and management determines that sufficient unencumbered moneys do not exist in the particular appropriations to pay the judgment and interest, the director may make application for payment of the judgment and interest out of the emergency purposes account or another appropriation for emergencies or contingencies.

(5) If moneys in the emergency purposes account or another appropriation for emergencies or contingencies are not used to pay the judgment and interest, the director of budget and management shall request the general assembly to make an appropriation sufficient to pay the judgment and interest, and no payment shall be made until the appropriation has been made. The appropriate state department, board, office, commission, agency, institution, or other instrumentality shall make this appropriation request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

(6) If the judgment is against any department, board, office, commission, agency, institution, or other instrumentality of the state whose funds are not handled by the director of budget and management, the instrumentality against which the judgment is made, within sixty days after the date of the judgment, shall pay the judgment creditor in the amount of the judgment plus interest at the same rate that is applicable to judgments rendered against private parties to a suit as specified in section 1343.03 of the Revised Code and for the number of days determined pursuant to division (B)(1) or (2) of section 2743.18 of the Revised Code.

(D) No judgment shall be forwarded by the clerk of the court of claims to the director of budget and management until all appeals have been determined and all rights to appeal have been exhausted, except as otherwise provided in this section. If a party to a civil action against the state appeals from only a portion of a judgment and if a remaining portion provides for the payment of money by the state, a certified copy of the judgment and a copy of the notice of appeal shall be forwarded to the director, and that part of the judgment calling for the payment of money by the state and not a subject of the appeal shall be processed for payment as described in this section.

Sec. 2743.76. (A) In order to provide for an expeditious and economical procedure that attempts to resolve disputes alleging a violation of section 121.22 of the Revised Code, except for a court that hears an action pursuant to that section, the court of claims shall be the sole and exclusive authority in this state that adjudicates or resolves complaints based on alleged violations of that section. The clerk of the court of claims shall designate one or more current employees or hire one or more individuals to serve as special masters to hear complaints brought under this section. All special masters shall have been engaged in the practice of law in this state for at least four years and be in good standing with the supreme court at the time of designation or hiring. The clerk may assign administrative and clerical work associated with complaints brought under this section to current employees or may hire such additional employees as may be necessary to perform such work.

(B) The clerk of the court of common pleas in each county shall act as the clerk of the court of claims for purposes of accepting those complaints filed with the clerk under division (D)(1) of this section, accepting filing fees for those complaints, and serving those complaints.

(C)(1) Subject to division (C)(2) of this section, a person allegedly aggrieved by a violation of section 121.22 of the Revised Code may seek relief under that section or under this section, provided, however, that if the allegedly aggrieved person files a complaint under either section, that person may not seek relief that pertains to the same allegation in a complaint filed under the other section.

(2) If the allegedly aggrieved person files a complaint under this section and the court of claims determines that the complaint constitutes a case of first impression that involves an issue of substantial public interest or a unique or complex case that manifestly requires discovery, hearings, or oral testimony, the court shall dismiss the complaint without prejudice and direct the allegedly aggrieved person to commence an action in the court of common pleas with appropriate jurisdiction as provided in division (D)(1)(a)(ii) of section 121.22 of the Revised Code.

(D)(1) An allegedly aggrieved person who proceeds under this section shall file a complaint, on a form prescribed by the clerk of the court of claims, with the clerk of the court of claims or with the clerk of the court of common pleas of the county in which the public body that allegedly violated section 121.22 of the Revised Code is located. The person shall attach to the complaint copies of any documents, written responses, or other communications relating to the alleged violation from the public body or its authorized representative and shall pay a filing fee of twenty-five dollars

made payable to the clerk of the court with whom the complaint is filed. The clerk shall serve a copy of the complaint on the public body and its authorized representative in accordance with Civil Rule 4.1 and, if the complaint is filed with the clerk of the court of common pleas, shall forward the complaint to the clerk of the court of claims, and to no other court, within five business days after service on the public body and its authorized representative is complete.

(2) Upon receipt of a complaint filed under division (D)(1) of this section, the clerk of the court of claims shall assign a case number for the action and a special master to examine the complaint. Notwithstanding any provision to the contrary in this section, upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time. The allegedly aggrieved person may voluntarily dismiss the complaint filed by that person under division (D)(1) of this section.

(E)(1) Upon service of a complaint under division (D)(1) of this section, except as otherwise provided in this division, the special master assigned by the clerk under division (D)(2) of this section immediately shall refer the case to mediation services that the court of claims makes available to persons. If, in the interest of justice considering the circumstances of the case or the parties, the special master determines that the case should not be referred to mediation, the special master shall notify the court that the case was not referred to mediation, and the case shall proceed in accordance with division (F) of this section. If the case is referred to mediation, any further proceedings under division (F) of this section shall be stayed until the conclusion of the mediation. Any mediation proceedings under this division may be conducted by teleconference, telephone, or other electronic means. If an agreement is reached during mediation, the court shall dismiss the complaint. If an agreement is not reached, the special master shall notify the court that the case was not resolved and that the mediation has been terminated.

(2) Within ten business days after the termination of the mediation or the notification to the court that the case was not referred to mediation under division (E)(1) of this section, the public body or its authorized representative shall file a response, and if applicable, a motion to dismiss the complaint, with the clerk of the court of claims and transmit copies of the pleadings to the allegedly aggrieved party. No further motions or pleadings shall be accepted by the clerk of the court of claims or by the special master assigned by the clerk under division (D)(2) of this section unless the special master directs in writing that a further motion or pleading be filed.

(3) All of the following apply prior to the submission of the special master's report and recommendation to the court of claims under division (F)(1) of this section:

(a) The special master shall not permit any discovery.

(b) The parties may attach supporting affidavits to their respective pleadings.

(c) The special master may require either or both of the parties to submit additional information or documentation supported by affidavits.

(F)(1) Not later than thirty business days after receiving the response, or motion to dismiss the complaint, if applicable, of the public body or its authorized representative, the special master shall submit to the court of claims a report and recommendation based on the ordinary application of statutory law and case law as they existed at the time of the filing of the complaint. For good cause shown, the special master may extend the thirty-day period for the submission of the report and recommendation to the court of claims under this division.

(2) Upon submission of the special master's report and recommendation to the court of claims under division (F)(1) of this section, the clerk shall send copies of the report and recommendation to each party by certified mail, return receipt requested, not later than three business days after the report and recommendation is filed. Either party may object to the report and recommendation within seven business days after receiving the report and recommendation by filing a written objection with the clerk and sending a copy to the other party by certified mail, return receipt requested. Any objection to the report and recommendation shall be specific and state with particularity all grounds for the objection. If neither party timely objects, the court of claims shall promptly issue a final order adopting the report and recommendation, unless it determines that there is an error of law or other defect evident on the face of the report and recommendation. If either party timely objects, the other party may file with the clerk a response within seven business days after receiving the objection and send a copy of the response to the objecting party by certified mail, return receipt requested. The court, within seven business days after the response to the objection is filed, shall issue a final order that adopts, modifies, or rejects the report and recommendation.

(3) If the court of claims determines that the public body violated section 121.22 of the Revised Code as alleged by the aggrieved person and if no appeal from the court's final order is taken under division (G) of this section, all of the following apply:

(a) The public body shall comply with the remedy that the court requires

in its order.

(b) The aggrieved person shall be entitled to recover from the public body the amount of the filing fee of twenty-five dollars and any other costs associated with the action that are incurred by the aggrieved person, but shall not be entitled to recover attorney's fees, except that division (G)(2) of this section applies if an appeal is taken under division (G)(1) of this section.

(c) The court of claims shall issue an injunction to compel the members of the public body to comply with section 121.22 of the Revised Code.

(4) A determination under this section that the public body violated section 121.22 of the Revised Code does not void or invalidate any actions taken by the public body.

(G)(1) Any appeal from a final order of the court of claims under this section or from an order of the court of claims dismissing the complaint as provided in division (D)(2) of this section shall be taken to the court of appeals of the appellate district where the principal place of business of the public body that is alleged to have violated section 121.22 of the Revised Code is located. However, no appeal may be taken from a final order of the court of claims that adopts the special master's report and recommendation unless a timely objection to that report and recommendation was filed under division (F)(2) of this section. If the court of claims materially modifies the special master's report and recommendation, either party may take an appeal to the court of appeals of the appellate district of the principal place of business where that public body is located but the appeal shall be limited to the issue in the report and recommendation that is materially modified by the court of claims. In order to facilitate the expeditious resolution of disputes over alleged violations of section 121.22 of the Revised Code, the appeal shall be given such precedence over other pending matters as will ensure that the court will reach a decision promptly.

(2) If a court of appeals in any appeal taken under division (G)(1) of this section by the public body or its authorized representative determines that the public body violated section 121.22 of the Revised Code as alleged by the aggrieved person and obviously filed the appeal with the intent to either delay compliance with the court of claims' order from which the appeal is taken for no reasonable cause or unduly harass the aggrieved person, the court of appeals may award reasonable attorney's fees to the aggrieved person in accordance with division (I)(2)(a) of section 121.22 of the Revised Code. No discovery may be conducted on the issue of the public body or its authorized representative filing the appeal with the alleged intent to either delay compliance with the court of claims' order for no reasonable cause or

unduly harass the aggrieved person. This division shall not be construed as creating a presumption that the public body or its authorized representative filed the appeal with the intent to either delay compliance with the court of claims' order for no reasonable cause or unduly harass the aggrieved person.

(H) The powers of the court of claims prescribed in section 2743.05 of the Revised Code apply to the proceedings in that court under this section.

(I)(1) All filing fees collected by a clerk of the court of common pleas under division (D)(1) of this section shall be paid to the county treasurer for deposit into the county general revenue fund. All such money collected during a month shall be transmitted on or before the twentieth day of the following month by the clerk of the court of common pleas to the county treasurer.

(2) All filing fees collected by the clerk of the court of claims under division (D)(1) of this section shall be kept by the court of claims to assist in paying for its costs to implement this section. Not later than the first day of February of each year, the clerk of the court of claims shall prepare a report accessible to the public that details the fees collected during the preceding calendar year by the clerk of the court of claims and the clerks of the courts of common pleas under this section.

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

Sec. 2746.04. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:

(A) The fees provided for in section 2303.20 of the Revised Code;

(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of the court, as provided in section 2303.201 and, for a court that has a domestic relations division, section 2301.031 of the Revised Code;

(C) Filing for a divorce decree under section 3105.10 or a decree of dissolution under section 3105.65 of the Revised Code, as provided in section 3109.14 of the Revised Code;

(D) Filing of a foreign judgment pursuant to section 2329.022 of the Revised Code, as provided in section 2329.025 of the Revised Code;

- (E) Interpreters, as provided in section 2301.14 of the Revised Code;
- (F) Jurors in civil actions, as provided in section 2335.28 of the Revised Code;
- (G) Reporters, as provided in sections 2301.21 and 2301.24 of the Revised Code;
- (H) In a case involving the operation by a nonresident of a vessel upon the waters in this state, or the operation on the waters in this state of a vessel owned by a nonresident if operated with the nonresident's consent, actual traveling expenses of the defendant, as provided in section 1547.36 of the Revised Code;
- (I) In a civil case, the expenses of taking a deposition of a person who is imprisoned in a workhouse, juvenile detention facility, jail, or state correctional institution within this state, or who is in the custody of the department of youth services, as provided in section 2317.06 of the Revised Code;
- (J) In proceedings relating to the examination of a judgment debtor under sections 2333.09 to 2333.27 of the Revised Code, compensation for clerks, sheriffs, referees, receivers, and witnesses, as provided in section 2333.27 of the Revised Code;
- (K) In an appeal from an order of an agency issued pursuant to an adjudication under section 119.12 of the Revised Code, the expense of preparing and transcribing the record;
- (L) In a case in which the court issues a protection order upon a petition alleging that the respondent engaged in domestic violence against a family or household member, the cost of supervision of the respondent's exercise of parenting time, visitation, or companionship rights, as provided in section 3113.31 of the Revised Code;
- (M) Upon a petition to have a person involuntarily institutionalized, the costs of appointed counsel for the respondent at a full hearing, as provided in section 5123.76 of the Revised Code;
- (N) In a case before the domestic relations division of the Hamilton county court of common pleas, the expense of serving a summons, warrant, citation, subpoena, or other writ issued to an officer other than a bailiff, constable, or staff investigator of the division, as provided in section 2301.03 of the Revised Code;
- (O) The filing fee specified in section 2743.75 of the Revised Code in a case filed with the court of claims that alleges a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code;
- (P) The filing fee specified in section 2743.76 of the Revised Code in a case filed with the court of claims alleging a violation of section 121.22 of

the Revised Code.

Sec. 2915.01. As used in this chapter:

(A) "Bookmaking" means the business of receiving or paying off bets.

(B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

(1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;

(2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;

(3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;

(4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;

(5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;

(6) A participant may use the electronic device to purchase additional game entries;

(7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;

(8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or

(9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video,

digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

(E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

(F) "Gambling device" means any of the following:

(1) A book, totalizer, or other equipment for recording bets;

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;

(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;

(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.

(G) "Gambling offense" means any of the following:

(1) A violation of ~~section 2915.02, 2915.03, 2915.04, 2915.05, 2915.06, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code~~ this chapter;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any ~~section listed in division (G)(1)~~ provision of this ~~section~~ chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;

(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.

(H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:

(1) An organization that is, ~~and has received from the internal revenue service a determination letter that currently is in effect stating that the organization is,~~ exempt from federal income taxation under subsection

501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

(I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.

(J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.

(M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.

(N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.

(O) "Bingo" means either of the following:

(1) A game with all of the following characteristics:

(a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, ~~punch boards~~ electronic instant bingo, and raffles.

(P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.

(Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a

participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system.

(R) "Participant" means any person who plays bingo.

(S) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and ~~seat cards~~ electronic instant bingo;

(2) A period for the conduct of instant bingo and ~~seat cards~~ electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.

(T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;

(3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;

(4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.

(W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

(a) The playing fields are used ~~at least one hundred days per year~~ for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen

years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

(b) The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.

(Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

(AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.

(BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.

(CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

(1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and

(2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle ~~when used in conjunction with instant bingo~~. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

(1) The purchase or lease of bingo supplies;

(2) The annual license fee required under section 2915.08 of the Revised Code;

(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;

(4) Audits and accounting services;

(5) Safes;

(6) Cash registers;

(7) Hiring security personnel;

(8) Advertising bingo;

(9) Renting premises in which to conduct a bingo session;

(10) Tables and chairs;

(11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;

(12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;

(13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division ~~(B)(4)~~(F)(1) of section 2915.08 of the Revised Code.

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(OO)(1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:

(a) It provides a means for a participant to input numbers and letters announced by a bingo caller.

(b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.

(c) It identifies a winning bingo pattern.

(2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "~~Deal of instant bingo tickets~~" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)(1) "Slot machine" means either of the following:

(a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;

(b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

(2) "Slot machine" does not include a skill-based amusement machine ~~or~~ an instant bingo ticket dispenser, or an electronic instant bingo system.

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of ~~instant~~ bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant

bingo or electronic instant bingo tickets and that ~~has printed on or affixed to it~~ includes the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;
- (5) The prize structure, including the number of winning ~~instant bingo~~ tickets by denomination and the respective winning symbol or number combinations for the winning ~~instant bingo~~ tickets;
- (6) The cost per play;
- (7) The serial number of the game.

(UU)(1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:

(a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

(b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;

(c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

(d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

(2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:

(a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.

(b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;

(c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.

(d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.

(e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.

(f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.

(3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:

(a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo, ~~or instant bingo~~;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt,

or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA)(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

(a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.

(b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.

(c) The device selects prizes from a predetermined finite pool of entries.

(d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.

(e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.

(f) The device utilizes software to create a game result.

(g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.

(h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(2) As used in this division and in section 2915.02 of the Revised Code:

(a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.

(b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.

(c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

(d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)(1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:

(a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.

(b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.

(c) Each electronic instant bingo ticket within a deal is sold for the same price.

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(a) Any game, entertainment, or bonus theme that replicates or

simulates any of the following:

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD) "Electronic instant bingo system" means both of the following:

(1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:

(a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;

(b) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.

(2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

Sec. 2915.08. (A)(1) ~~Annually~~ Except as otherwise permitted under section 2915.092 of the Revised Code, ~~annually~~ before the first day of January, a charitable organization that desires to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ shall ~~make out, upon a form to be furnished by the attorney general for that purpose, an application for a license~~ apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:

(a) A type I license to conduct bingo as described in division (O)(1) of section 2915.01 of the Revised Code;

(b) A type II license to conduct instant bingo, ~~electronic instant bingo, or both~~ at a bingo session, ~~or;~~

(c) A type III license to conduct instant bingo, ~~electronic instant bingo, or both~~ other than at a bingo session ~~and deliver that, in accordance with~~

sections 2915.093 to 2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as applicable.

(2) A veteran's organization or fraternal organization that is authorized under section 2915.14 of the Revised Code to conduct electronic instant bingo may be issued only one license to conduct electronic instant bingo at any one time. The organization may conduct electronic instant bingo under that license at only one location specified on the license, which shall be the organization's principal place of business.

(B) The application to the attorney general together with shall be accompanied by a license fee as follows:

(a) Except as otherwise provided in this division, for (1) If the charitable organization was not licensed to conduct bingo under this chapter before July 1, 2003, a fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(2) If the charitable organization was licensed to conduct bingo under this chapter before July 1, 2003, the following applicable fee:

(a) For a type I license for the a charitable organization that wishes to conduct of bingo during twenty-six or more weeks in any calendar year, a license fee of two hundred dollars;

(b) For a type II or type III license for the a charitable organization that previously has not been licensed under this chapter to conduct of instant bingo at a bingo session or electronic instant bingo other than at a bingo session for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo at a bingo session or instant bingo other than at a bingo session and that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of five hundred dollars, and for any other;

(c) For a type II or type III license for a charitable organization that previously has been licensed under this chapter to conduct instant bingo or electronic instant bingo and that desires to conduct bingo during twenty-six or more weeks in any calendar year, a license fee that is based upon the gross profits received by the charitable organization from the operation of instant bingo at a bingo session or electronic instant bingo other than at a bingo session, during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:

(i) Five hundred dollars, if the total is fifty thousand dollars or less;

(ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;

(iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;

(iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;

(v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more;

~~(c) A~~ (d) For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to division (G) of this section 111.15 of the Revised Code.

~~(d) For a license to conduct bingo for a charitable organization that prior to July 1, 2003, has not been licensed under this chapter to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, a license fee established by rule by the attorney general in accordance with division (H) of this section.~~

~~(2)~~(C) The application shall be in the form prescribed by the attorney general, shall be signed and sworn to by the applicant, and shall contain all of the following:

~~(a)~~(1) The name and post-office address of the applicant;

~~(b)~~(2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;

~~(c)~~(3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;

~~(d)~~(4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;

~~(e)~~(5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or

suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;

~~(f)(6)~~ (6) A statement of the charitable purposes for which the net profit derived from bingo, ~~other than instant bingo,~~ described in division (O)(1) of section 2915.01 of the Revised Code will be used, ~~and~~ or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of the Revised Code, as applicable;

~~(g)(7)~~ (7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;

~~(h)(8)~~ (8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

~~(i)(9)~~ (9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

~~(j)(10)~~ (10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization ~~were used for at least one hundred days during the year in which the statement is issued, and~~ were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so used.

~~(k)(D)~~ (D) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the

date on which the application was filed with the attorney general and stating that, pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take, before or after the issuance of the temporary permit.

~~(4)(E)~~ Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session,~~ the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant, grant with limits, restrictions, or probationary conditions, or deny the application based on findings established and communicated in accordance with divisions ~~(B)(F)~~ and ~~(E)(I)~~ of this section. As an option to granting, granting with limits, restrictions, or probationary conditions, or denying an initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

~~(B)(1)(F)(1)~~ The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to ~~2915.13~~ 2915.15 of the Revised Code to ensure that bingo ~~or instant bingo~~ is conducted in accordance with those sections and to maintain proper control over the conduct of bingo ~~or instant bingo~~. The Except as otherwise provided in this section, the rules, ~~except rules adopted pursuant to divisions (A)(2)(g) and (G) of this section,~~ shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

~~(2) The attorney general may refuse to grant a license to any~~ If any of

the following applies to an organization, or revoke or suspend the license of any organization, that does any of the following or to which any of the following applies the attorney general may refuse to grant a license to the organization, may revoke or suspend the organization's license, or may place limits, restrictions, or probationary conditions on the organization's license for a limited or indefinite period, as determined by the attorney general:

(a) ~~Fails~~ The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this ~~section;~~ chapter.

(b) ~~Makes~~ The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed ~~pursuant to division (A) of~~ under this section;.

(c) ~~Submits~~ The organization submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license;.

(d) ~~Maintains~~ The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to ~~divisions (A) and (C) of~~ section 2915.10 of the Revised Code, if applicable;.

(e) The attorney general has good cause to believe that the organization will not conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ in accordance with sections 2915.07 to ~~2915.13~~ 2915.15 of the Revised Code or with any rule adopted by the attorney general pursuant to this ~~section~~ chapter.

(3) If the attorney general has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.

(4) The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(5) For the purposes of division ~~(B)~~(F) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

~~(C)~~(G) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable organizations.

~~(D)~~(H) The attorney general shall send notice of any of the following actions in writing to the prosecuting attorney and sheriff of the county in which the charitable organization will conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session, as stated in its application for a license or amended license, is located and to any other law enforcement agency in that county that so requests, of all of the following:

- (1) The issuance of ~~the~~ a license under this section;
- (2) The issuance of ~~the~~ an amended license under this section;
- (3) The rejection of an application for and refusal to grant a license under this section;

(4) The revocation of any license previously issued under this section;

(5) The suspension of any license previously issued under this section;

(6) The placing of any limits, restrictions, or probationary conditions placed on a license issued under this section.

~~(E)~~(I) A license issued by the attorney general under this section shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, ~~instant bingo at a bingo session, or instant bingo other than at a bingo session~~ whether the license is a type I, type II, or type III license, and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant, places limits, restrictions, or probationary conditions on, or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, limit, restriction, probationary condition, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, limit, restriction, probationary condition, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, or limit, restriction, probationary condition on, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake,

but the attorney general's order refusing to grant, or placing a limit, restriction, or probationary condition on, or revoking or suspending, a license shall not be enjoined during the pendency of the action.

~~(F)~~ ~~A~~ (J)(1)(a) Except as otherwise provided in division (J)(2) of this section, a charitable organization that has been issued a license ~~pursuant to division (B) of~~ under this section but that cannot conduct bingo ~~or instant bingo~~ at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, or that desires to conduct instant bingo other than at a bingo session at additional locations not identified on the license, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in or addition of a location, day of the week, or time, and request an amended license. ~~As~~

(b) ~~As~~ applicable, the application shall describe the causes making it impractical for the organization to conduct bingo ~~or instant bingo~~ in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct bingo ~~or instant bingo~~ and, as applicable, shall indicate the additional locations at which it desires to conduct instant bingo other than at a bingo session. ~~Except~~

(c) ~~Except~~ as otherwise provided in ~~this~~ division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (E)(I) of this section, and the organization shall surrender its original license to the attorney general. ~~The~~

(2)(a) A charitable organization that has been issued a license under this section to conduct electronic instant bingo but that cannot conduct electronic instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in a location, day of the week, or time, and request an amended license. A charitable organization may not apply for an amended license to conduct electronic instant bingo at any additional location.

(b) The application shall describe the causes making it impractical for the organization to conduct electronic instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct electronic instant bingo.

(c) ~~Except~~ as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(3) The attorney general may refuse to grant an amended license under division (J)(1) or (2) of this section according to the terms of division (B)(F) of this section.

~~(G) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a schedule of reduced license fees for charitable organizations that desire to conduct bingo or instant bingo during fewer than twenty-six weeks in any calendar year.~~

~~(H) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish license fees for the conduct of bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session for charitable organizations that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.~~

~~(I)(K) The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.~~

~~(J)(L) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.~~

Sec. 2915.081. (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to another person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a distributor license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal

obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a distributor license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (F) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that a person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct related to a charitable organization that has obtained a bingo license issued under this chapter.

(D) The attorney general shall not issue a distributor license to any person that is involved in the conduct of bingo on behalf of a charitable organization or that is a lessor of premises used for the conduct of bingo. This division does not prohibit a distributor from advising charitable organizations on the use and benefit of specific bingo supplies or prohibit a distributor from advising a customer on operational methods to improve bingo profitability.

(E)(1) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, for use in this state except to or for the use of a charitable organization that has been issued a license under section 2915.08 of the Revised Code or to another

distributor that has been issued a license under this section. No distributor shall accept payment for the sale or other provision of bingo supplies other than by check or electronic fund transfer.

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F)(1) No distributor shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or install, maintain, update, or repair an electronic instant bingo system, without first obtaining an electronic instant bingo distributor endorsement to the person's distributor license issued under this section. An applicant for a distributor license under this section may apply simultaneously for an electronic instant bingo distributor endorsement to that license. Any individual who installs, maintains, updates, or repairs an electronic instant bingo system also shall hold an appropriate and valid occupational license issued by the Ohio casino control commission under Chapter 3772. of the Revised Code.

(2) An applicant for an electronic instant bingo distributor endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the

fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo distributor endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(3) The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (F)(2) of this section. The attorney general shall not issue an electronic instant bingo distributor endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any provision of this chapter or any rule adopted by the attorney general under this chapter or has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(4) An electronic instant bingo distributor endorsement issued under this section shall be valid for the period of the underlying distributor license.

(G) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a distributor license or an electronic instant bingo distributor endorsement, for a limited or indefinite period of time at the attorney general's discretion, for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue a distributor the license specified in divisions (C)(2) to (5) of this section or endorsement;

(2) The distributor holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(3) The distributor or any officer, partner, or other person who has an ownership interest of ten per cent or more in the distributor is convicted of either of the following:

(a) A felony under the laws of this state, another state, or the United States;

(b) Any gambling offense.

(G)(H) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or

condition of a distributor license or endorsement, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(I) The attorney general may impose a civil fine on a distributor licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, or for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(J) Whoever violates division (A) ~~or~~, (E), or (F) of this section is guilty of illegally operating as a distributor. Except as otherwise provided in this division, illegally operating as a distributor is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) ~~or~~, (E), or (F) of this section, illegally operating as a distributor is a felony of the fifth degree.

Sec. 2915.082. (A) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies for use in this state without having obtained a license from the attorney general under this section.

(B)(1) The attorney general may issue a manufacturer license to any person that meets the requirements of this section. The application for the license shall be on a form prescribed by the attorney general and be accompanied by the annual fee prescribed by this section. The license is valid for a period of one year, and the annual fee for the license is five thousand dollars.

(2) Upon applying for or renewing a license under this section, an applicant shall file with and have approved by the attorney general a bond in which the applicant shall be the principal obligor, in the sum of fifty thousand dollars, with one or more sureties authorized to do business in this state. The applicant shall maintain the bond in effect as long as the license is valid; however, the liability of the surety under the bond shall not exceed an all-time aggregate liability of fifty thousand dollars. The bond, which may be in the form of a rider to a larger blanket liability bond, shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liability arising out of a violation by the obligor of any provision of this chapter or any rule adopted pursuant to this chapter.

(C) The attorney general may refuse to issue a manufacturer license to any person to which any of the following applies, or to any person that has an officer, partner, or other person who has an ownership interest of ten per cent or more and to whom any of the following applies:

(1) The person, officer, or partner has been convicted of a disqualifying

offense as determined in accordance with section 9.79 of the Revised Code.

(2) The person, officer, or partner has made an incorrect or false statement that is material to the granting of a license in an application submitted to the attorney general under this section or in a similar application submitted to a gambling licensing authority in another jurisdiction if the statement resulted in license revocation through administrative action in the other jurisdiction.

(3) The person, officer, or partner has submitted any incorrect or false information relating to the application to the attorney general under this section, if the information is material to the granting of the license.

(4) The person, officer, or partner has failed to correct any incorrect or false information that is material to the granting of the license in the records required to be maintained under division (G) of section 2915.10 of the Revised Code.

(5) The person, officer, or partner has had a license related to gambling revoked or suspended under the laws of this state, another state, or the United States.

(6) The attorney general has good cause to believe that the person, officer, or partner has committed a breach of fiduciary duty, theft, or other type of misconduct, related to a charitable organization that has obtained a bingo license under this chapter.

(D)(1) No manufacturer shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to any person for use in this state except to a distributor that has been issued a license under section 2915.081 of the Revised Code. No manufacturer shall accept payment for the sale of bingo supplies other than by check or electronic fund transfer.

(2) No manufacturer shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(E)(1) No manufacturer shall knowingly sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state, or submit an electronic instant bingo system for testing and approval under section 2915.15 of the Revised Code, without first obtaining an electronic instant bingo manufacturer endorsement to the person's manufacturer license issued under this section. An applicant for a manufacturer license under this section may apply simultaneously for an electronic instant bingo manufacturer endorsement to that license.

(2) A manufacturer licensed under this section may only sell, offer to sell, or otherwise provide or offer to provide electronic instant bingo

systems that contain proprietary software owned by or licensed to the manufacturer. If the proprietary software is licensed to the manufacturer, the manufacturer shall provide a copy of the license along with the application for an endorsement under this section.

(3) An applicant for an electronic instant bingo manufacturer endorsement shall submit the application on a form prescribed by the attorney general and shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The applicant shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C)(2) of section 109.572 of the Revised Code and shall fill out the form the superintendent prescribes pursuant to division (C)(1) of that section. Upon receiving an application for an electronic instant bingo manufacturer endorsement, the attorney general shall request the superintendent, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprint impressions in accordance with division (A)(18) of that section. The applicant shall pay any fee required under division (C)(3) of that section.

(4) The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant unless the attorney general has received the results of the criminal records check described in division (E)(3) of this section. The attorney general shall not issue an electronic instant bingo manufacturer endorsement to an applicant if the applicant, any officer or partner of the applicant, or any person who has an ownership interest of ten per cent or more in the applicant has violated any existing or former law or rule of this state, any other state, or the United States that is substantially equivalent to any provision of this chapter or any rule adopted by the attorney general under this chapter.

(F)(1) The attorney general may suspend, place limits, restrictions, or probationary conditions on, or revoke a manufacturer license or an electronic instant bingo manufacturer endorsement for a limited or indefinite period of time for any of the following reasons:

(a) Any reason for which the attorney general may refuse to issue a manufacturer the license specified in divisions (C)(2) to (5) of this section or endorsement;

(b) The manufacturer holding the license or endorsement violates any provision of this chapter or any rule adopted by the attorney general under this chapter;

(c) The manufacturer or any officer, partner, or other person who has an ownership interest of ten per cent or more in the manufacturer is convicted

of either of the following:

(i) A felony under the laws of this state, another state, or the United States;

(ii) Any gambling offense.

(2) The attorney general may perform an onsite inspection of a manufacturer of bingo supplies that is selling, offering to sell, or otherwise providing or offering to provide bingo supplies or that is applying for a license to sell, offer to sell, or otherwise provide or offer to provide bingo supplies in this state.

(3)(a) The attorney general shall establish by rule an application and renewal fee for an electronic instant bingo manufacturer endorsement in an amount sufficient to cover the costs the attorney general incurs in processing applications for electronic instant bingo manufacturer endorsements and investigating an applicant's suitability.

(b) If the cost of processing a particular application and investigating the applicant's suitability exceeds the amount of the application and renewal fee, the attorney general may charge the applicant an additional fee as necessary to cover that cost.

(c) The attorney general shall not issue an electronic instant bingo manufacturer endorsement unless the attorney general has received payment in full from the applicant for all fees to be charged under this section.

(F)(G) The attorney general may adopt rules for the application, acceptance, denial, suspension, revocation, limitation, restriction, or condition of a manufacturer license or endorsement described in this section, and to enforce any other provisions of this section, in accordance with Chapter 119. of the Revised Code.

(H) The attorney general may impose a civil fine on a manufacturer licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(I) Whoever violates division (A) ~~or~~, (D), or (E) of this section is guilty of illegally operating as a manufacturer. Except as otherwise provided in this division, illegally operating as a manufacturer is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) ~~or~~, (D), or (E) of this section, illegally operating as a manufacturer is a felony of the fifth degree.

Sec. 2915.09. (A) No charitable organization that conducts bingo shall fail to do any of the following:

(1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo, or from the landlord of a premises where bingo is conducted, for a rental rate that is not more than is customary and reasonable for that equipment;

(2) Except as otherwise provided in division (A)(3) of this section, use all of the gross receipts from bingo for paying prizes, for reimbursement of expenses for or for renting premises in which to conduct a bingo session, for reimbursement of expenses for or for purchasing or leasing bingo supplies used in conducting bingo, for reimbursement of expenses for or for hiring security personnel, for reimbursement of expenses for or for advertising bingo, or for reimbursement of other expenses or for other expenses listed in division (GG) of section 2915.01 of the Revised Code, provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring, advertising, or expense. If the building in which bingo is conducted is owned by the charitable organization conducting bingo and the bingo conducted includes a form of bingo described in division (O)(1) of section 2915.01 of the Revised Code, the charitable organization may deduct from the total amount of the gross receipts from each session a sum equal to the lesser of six hundred dollars or forty-five per cent of the gross receipts from the bingo described in that division as consideration for the use of the premises.

(3) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, ~~other than instant bingo,~~ described in division (O)(1) of section 2915.01 of the Revised Code for a charitable purpose listed in its license application and described in division (V) of section 2915.01 of the Revised Code, or distribute all of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as stated in its license application and in accordance with section 2915.101 of the Revised Code, as applicable.

(B) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall fail to do any of the following:

(1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars per bingo session, or on premises that are owned by a person other

than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars per bingo session. No charitable organization is required to pay property taxes or assessments on premises that the charitable organization leases from another person to conduct bingo sessions. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service. A charitable organization shall not lease or sublease premises that it owns or leases to more than three other charitable organizations per calendar week for conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than three charitable organizations per calendar week for conducting bingo sessions on the premises. In no case shall more than nine bingo sessions be conducted on any premises in any calendar week.

(2) Display its license conspicuously at the premises where the bingo session is conducted;

(3) Conduct the bingo session in accordance with the definition of bingo set forth in division (O)(1) of section 2915.01 of the Revised Code.

(C) No charitable organization that conducts a bingo game described in division (O)(1) of section 2915.01 of the Revised Code shall do any of the following:

(1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(2) Pay consulting fees to any person for any services performed in relation to the bingo session;

(3) Pay concession fees to any person who provides refreshments to the

participants in the bingo session;

(4) Except as otherwise provided in division (C)(4) of this section, conduct more than three bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than three bingo sessions in a seven-day period after notifying the attorney general when it will conduct the sessions.

(5) Pay out more than six thousand dollars in prizes for bingo games described in division (O)(1) of section 2915.01 of the Revised Code during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo.

(6) Conduct a bingo session at any time during the eight-hour period between two a.m. and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to section 2915.12 of the Revised Code, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Division (A)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license, or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the attorney general for an amended license pursuant to division ~~(F)~~(J) of section 2915.08 of the Revised Code. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license.

(7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;

(8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;

(9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service;

(10) Purchase or lease bingo supplies from any person except a distributor issued a license under section 2915.081 of the Revised Code;

(11)(a) Use or permit the use of electronic bingo aids except under the following circumstances:

(i) For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.

(ii) The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.

(iii) The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

(iv) An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.

(v) An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(vi) An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.

(b) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the attorney general to verify the number of bingo cards or sheets played during each bingo session.

(12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in division (O)(1) of section 2915.01 of the Revised Code.

(D)(1) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.

(2) Except as otherwise provided in division (D)(3) of this section, no charitable organization shall provide to a bingo game operator any

commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo, electronic instant bingo, or both other than at a bingo session at the site of instant bingo, electronic instant bingo, or both other than at a bingo session.

(3) Nothing in division (D) of this section prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.

(E) Notwithstanding division (B)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the attorney general in writing of the organizations that will conduct the sessions and the days of the week and the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the attorney general prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the attorney general prior to December 6, 1977.

(F) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(G) Whoever violates division (A)(2) of this section is guilty of illegally conducting a bingo game, a felony of the fourth degree. Except as otherwise provided in this division, whoever violates division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to ~~(12)~~(11), or (D) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C)(1) to (11), or (D) of this section, a violation of division (A)(1) or (3), (B)(1), (2), or (3), (C), or (D) of this section is a misdemeanor of the first degree. Whoever violates division (C)(12) of this section is guilty of a misdemeanor of the first degree, or if

the offender previously has been convicted of a violation of division (C)(12) of this section, a felony of the fourth degree.

Sec. 2915.091. (A) No charitable organization that conducts instant bingo shall do any of the following:

(1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of section 2915.09 of the Revised Code;

(2) Conduct instant bingo unless either of the following applies:

(a) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in section 2915.01 of the Revised Code, is in good standing in the state pursuant to section 2915.08 of the Revised Code, and is in compliance with Chapter 1716. of the Revised Code;

(b) That organization is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under section 2915.13 of the Revised Code.

(3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to section 2915.08 of the Revised Code;

(4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;

(5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under section 2915.081 of the Revised Code;

(6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;

(7) Sell an instant bingo ticket or card to a person under eighteen years of age;

(8) Fail to keep unsold instant bingo tickets or cards for less than three years;

(9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any

auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;

(10) Pay fees to any person for any services performed in relation to an instant bingo game, except as provided in division (D) of section 2915.093 of the Revised Code;

(11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;

(12)(a) Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;

(b) Division (A)(12)(a) of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize in place of a cash prize won by a participant in an instant bingo game. In no case shall an instant bingo ticket or card be sold or provided for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare.

(13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;

(14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under section 2915.081 of the Revised Code as reflected on an invoice issued by the distributor that contains all of the information required by division (E) of section 2915.10 of the Revised Code;

(15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;

(16) Possess bingo supplies that were not obtained in accordance with ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter.

(B) A charitable organization may purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards.

(C) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that govern the conduct of instant bingo by charitable organizations. Before those rules are adopted, the attorney general

shall reference the recommended standards for opacity, randomization, minimum information, winner protection, color, and cutting for instant bingo tickets or cards, seal cards, and punch boards established by the North American gaming regulators association.

(D) Whoever violates division (A) of this section or a rule adopted under division (C) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (A) of this section or of such a rule, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.092. (A)(1) Subject to division (A)(2) of this section, ~~a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization~~ a person or entity that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), ~~501(c)(6)~~, 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the ~~organization or school~~ person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.

(2) If ~~a charitable organization~~ a person or entity that is described in division (A)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the ~~charitable organization~~ person or entity shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in division (V) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(B) Except as provided in division (A) or (B) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(C) Whoever violates division (B) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (B) of this section, illegal conduct of a raffle is a felony of the fifth degree.

Sec. 2915.093. (A) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection

501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.

(B)(1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

(2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted, provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

(C) Except as provided in division (F) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(D) The owner or lessor of a location that enters into a contract pursuant to division (B) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

The charitable instant bingo organization shall pay six per cent of the total gross receipts of any deal of instant bingo tickets for the purpose of reimbursing the owner or lessor for expenses described in this division.

As used in this division, "expenses" means those items provided for in divisions (GG)(4), (5), (6), (7), (8), (12), and (13) of section 2915.01 of the Revised Code and that percentage of the owner's or lessor's rent for the location where instant bingo is conducted. "Expenses," in the aggregate, shall not exceed six per cent of the total gross receipts of any deal of instant

bingo tickets.

As used in this division, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(E) A charitable instant bingo organization shall provide the attorney general with all of the following information:

(1) That the charitable instant bingo organization has terminated a contract entered into pursuant to division (B) of this section with an owner or lessor of a location;

(2) That the charitable instant bingo organization has entered into a written contract pursuant to division (B) of this section with a new owner or lessor of a location;

(3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter.

(F) Division (C) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars.

Sec. 2915.095. The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, shall establish a standard contract to be used by a charitable instant bingo organization, a veteran's organization, a fraternal organization, or a sporting organization for the conduct of instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code. The terms of the contract shall be limited to the provisions in Chapter 2915. of the Revised Code.

Sec. 2915.10. (A) No charitable organization that conducts bingo or a game of chance pursuant to division (D) of section 2915.02 of the Revised Code shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

(1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each electronic instant bingo game by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number and each electronic instant bingo game by serial

number:

(2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo ~~or instant bingo~~, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;

(3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number and each electronic instant bingo game by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars or more in value;

(4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in division (V) of section 2915.01, division (D) of section 2915.02, or section 2915.101 of the Revised Code, a list of each purpose and an itemized list of each expenditure for each purpose;

(5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;

(6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from gross receipts under division (T) of section 2915.01 of the Revised Code;

(7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo or electronic instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(B) A charitable organization shall keep the records that it is required to maintain pursuant to division (A) of this section at its principal place of business in this state or at its headquarters in this state and shall notify the attorney general of the location at which those records are kept.

(C) The gross profit from each bingo session or game described in division (O)(1) or (2) of section 2915.01 of the Revised Code shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account.

(D) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(E) The attorney general may adopt rules in accordance with Chapter 119. of the Revised Code that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(F) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;

(2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;

(3) A description that clearly identifies the bingo supplies;

(4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(G) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this state. The record shall include all of the following for each instance:

(1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;

(2) A description that clearly identifies the bingo supplies, including serial numbers;

(3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(H) The attorney general or any law enforcement agency may do all of the following:

(1) Investigate any charitable organization, distributor, or manufacturer or any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(2) Examine the accounts and records of the charitable organization, distributor, or manufacturer or of any officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer;

(3) Conduct inspections, audits, and observations of bingo or games of chance;

(4) Conduct inspections of the premises where bingo or games of

chance are conducted or where bingo supplies are manufactured or distributed;

(5) Take any other necessary and reasonable action to determine if a violation of any provision of ~~sections 2915.01 to 2915.13 of the Revised Code~~ this chapter has occurred and to determine whether section 2915.11 of the Revised Code has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization, distributor, or manufacturer or an officer, agent, trustee, member, or employee of the organization, distributor, or manufacturer has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the attorney general when commencing an action as described in this division.

(I) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization, distributor, or manufacturer that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance ~~or, of~~ premises where bingo or a game of chance is conducted, or of premises where bingo supplies are manufactured or distributed, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the attorney general or a law enforcement agency pursuant to division (H) of this section.

(J) Whoever violates division (A) or (I) of this section is guilty of a misdemeanor of the first degree.

Sec. 2915.101. Except as otherwise provided by law, a charitable organization that conducts instant bingo or electronic instant bingo shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo as follows:

(A)(1) If a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute the net profit from the proceeds of the sale of instant bingo or electronic instant bingo, as follows:

(a) For the first two hundred fifty thousand dollars, or a greater amount prescribed by the attorney general to adjust for changes in prices as measured by the consumer price index as defined in section 325.18 of the Revised Code and other factors affecting the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, or less of net profit from the proceeds of the sale of instant bingo or electronic instant bingo generated in a calendar year:

(i) At least twenty-five per cent shall be distributed to an organization

described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Not more than seventy-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(b) For any net profit from the proceeds of the sale of instant bingo or electronic instant bingo of more than two hundred fifty thousand dollars or an adjusted amount generated in a calendar year:

(i) A minimum of fifty per cent shall be distributed to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(ii) Five per cent may be distributed for the organization's own charitable purposes or to a community action agency.

(iii) Forty-five per cent may be deducted and retained by the organization for reimbursement of or for the organization's expenses, as defined in division (GG) of section 2915.01 of the Revised Code, in conducting the instant bingo or electronic instant bingo game.

(2) If a veteran's organization, a fraternal organization, or a sporting organization does not distribute the full percentages specified in divisions (A)(1)(a) and (b) of this section for the purposes specified in those divisions, the organization shall distribute the balance of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo not distributed or retained for those purposes to an organization described in division (V)(1) of section 2915.01 of the Revised Code.

(B) If a charitable organization other than a veteran's organization, a fraternal organization, or a sporting organization conducted the instant bingo or electronic instant bingo, the organization shall distribute one hundred per cent of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in division (V)(1) of section 2915.01 of the Revised Code or to a department or agency of the federal government, the state, or any political subdivision.

(C) Nothing in this section prohibits a veteran's organization, a fraternal organization, or a sporting organization from distributing any net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization that is described in subsection 501(c)(3) of the Internal Revenue Code when the organization that is described in subsection 501(c)(3) of the Internal Revenue Code is one that makes donations to other

organizations and permits donors to advise or direct such donations so long as the donations comply with requirements established in or pursuant to subsection 501(c)(3) of the Internal Revenue Code.

Sec. 2915.12. (A) Sections 2915.07 to ~~2915.11~~ 2915.15 of the Revised Code do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either division (A)(1) or (2) of this section:

(1)(a) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo, for the privilege of participating in the bingo game, or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(b) All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods, or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars.

(c) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(d) The bingo game is not conducted either during or within ten hours of any of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to 2915.11 of the Revised Code;

(ii) A scheme or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.

(e) The number of players participating in the bingo game does not exceed fifty.

(2)(a) The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents to purchase a bingo card or sheet, objects to cover the spaces, or other devices used in playing bingo.

(b) The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces, or other devices used in playing bingo does not exceed one hundred dollars.

(c) All of the money paid for bingo cards or sheets, objects to cover spaces, or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.

(d) The total value of all prizes awarded during the game does not exceed one hundred dollars.

(e) No commission, wages, salary, reward, tip, donation, gratuity, or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(f) The bingo game is not conducted during or within ten hours of either of the following:

(i) A bingo session during which a charitable bingo game is conducted pursuant to sections 2915.07 to ~~2915.14~~ 2915.15 of the Revised Code;

(ii) A scheme of chance or game of chance, or bingo described in division (O)(2) of section 2915.01 of the Revised Code.

(g) All of the participants reside at the premises where the bingo game is conducted.

(h) The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(B) The attorney general or any local law enforcement agency may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with the requirements of either division (A)(1) or (2) of this section. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the attorney general when commencing the action.

Sec. 2915.13. (A) ~~A~~ Subject to the requirements of sections 2915.14 and 2915.15 of the Revised Code concerning electronic instant bingo, a veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to sections 2915.01 to 2915.12 of the Revised Code this chapter may conduct instant bingo, electronic instant bingo, or both other than at a bingo session under a type III license issued under section 2915.08 of the Revised Code if all of the following apply:

(1) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.

(2) The veteran's organization, fraternal organization, or sporting organization limits the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests.

(3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in

subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state and executes a written contract with that organization as required in division (B) of this section.

(B) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state in order to conduct instant bingo or electronic instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal, or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this state, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this state.

(C)(1) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo or electronic instant bingo pursuant to division (A) of this section has been issued a liquor permit under Chapter 4303. of the Revised Code, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or sporting organization violates a provision of this chapter.

(2) No veteran's organization, fraternal organization, or sporting organization that enters into a written contract pursuant to division (B) of

this section shall violate any provision of this chapter or permit, aid, or abet any other person in violating any provision of this chapter.

(D) A veteran's organization, fraternal organization, or sporting organization shall give all required proceeds earned from the conduct of instant bingo or electronic instant bingo to the organization with which the veteran's organization, fraternal organization, or sporting organization has entered into a written contract.

(E) Whoever violates this section is guilty of illegal instant bingo or electronic instant bingo conduct. Except as otherwise provided in this division, illegal instant bingo or electronic instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo or electronic instant bingo conduct is a felony of the fifth degree.

Sec. 2915.14. (A) No charitable organization shall conduct electronic instant bingo unless all of the following are true:

(1) The organization is a veteran's organization described in division (J) of section 2915.01 of the Revised Code, or is a fraternal organization described in division (L) of section 2915.01 of the Revised Code, and the organization qualified as a veteran's organization or fraternal organization, as applicable, on or before June 30, 2021.

(2) The organization is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code or is, and has received from the internal revenue service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(3) The organization has not conducted a raffle in violation of division (B) of section 2915.092 of the Revised Code using an electronic raffle machine, as described in Ohio Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time on or after January 1, 2022.

(B) No charitable organization that conducts electronic instant bingo shall do any of the following:

(1) Possess an electronic instant bingo system that was not obtained in accordance with this chapter or with any rule adopted under this chapter;

(2) Conduct electronic instant bingo on any day, at any time, or on any premises not specified on the organization's type II or type III license issued under section 2915.08 of the Revised Code;

(3) Hold more than one valid license to conduct electronic instant bingo at any one time;

(4) Conduct electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business;

(5) Operate more than ten electronic bingo systems at the premises on which the charitable organization conducts electronic instant bingo under its license;

(6) Fail to display both of the following conspicuously at the premises on which the charitable organization conducts electronic instant bingo:

(a) The charitable organization's bingo license;

(b) The serial number of each deal of electronic instant bingo tickets being sold.

(7) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play electronic instant bingo;

(8) Sell or provide to any person an electronic instant bingo ticket for a price different from the price displayed on the game flare for that deal, except that the charitable organization may give a participant who wins an electronic instant bingo game an electronic instant bingo ticket as a prize in place of a cash prize;

(9) Fail, once an electronic instant bingo deal is begun, to continue to sell tickets in that deal until all prizes have been awarded;

(10) Permit any person whom the organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of electronic instant bingo;

(11) Permit a bingo game operator to play electronic instant bingo;

(12)(a) Except as otherwise provided in division (B)(12)(b) of this section, pay compensation to a bingo game operator for conducting electronic instant bingo.

(b) Division (B)(12)(a) of this section does not prohibit an employee of a veteran's organization or fraternal organization from redeeming electronic instant bingo tickets or vouchers for the organization's members or invited guests, so long as no portion of the employee's compensation is paid from any bingo receipts.

(13) Pay consulting fees to any person in relation to electronic instant bingo.

(C) No person shall sell, offer to sell, or otherwise provide or offer to provide an electronic instant bingo system to any person for use in this state unless the electronic instant bingo system has been approved under section 2915.15 of the Revised Code.

(D) The attorney general shall adopt rules under Chapter 119. of the

Revised Code to ensure the integrity of electronic instant bingo, including, but not limited to, rules governing all of the following:

(1) The requirements to receive a license or endorsement to conduct electronic instant bingo;

(2) The location and number of electronic instant bingo systems in use, which shall not exceed ten at the single licensed location per organization;

(3) The times when electronic instant bingo may be offered;

(4) Signage requirements in facilities where electronic instant bingo is offered;

(5) Electronic instant bingo device and system specifications, including reveal features and game themes;

(6) Procedures and standards for the review, approval, inspection, and monitoring of electronic instant bingo systems, as described in section 2915.15 of the Revised Code;

(7) Procedures and standards for the review and approval of any changes to technology, systems, or games licensed or permitted under this chapter;

(8) The fees to be charged under section 2915.15 of the Revised Code for review, approval, inspection, and monitoring of electronic instant bingo systems;

(9) Procedures allowing the attorney general to seek a summary suspension of a license to conduct electronic instant bingo or a license to manufacture or distribute electronic instant bingo systems if the attorney general has good cause to believe that the person or organization licensed to conduct electronic instant bingo, or the person or organization licensed to manufacture or distribute electronic instant bingo systems, or any of the organization's employees, officers, directors, agents, representatives, or partners, has violated this chapter or a rule adopted under this chapter.

(E) Whoever knowingly violates division (A), (B), or (C) of this section or a rule adopted under division (D) of this section is guilty of illegal electronic instant bingo conduct. Illegal electronic instant bingo conduct is a misdemeanor of the first degree, except that if the offender previously has been convicted of a violation of division (A) or (B) of this section or of a rule adopted under division (D) of this section, illegal instant bingo conduct is a felony of the fifth degree.

Sec. 2915.15. (A)(1) Before selling, offering to sell, or otherwise providing or offering to provide an electronic instant bingo system to any person for use in this state, a manufacturer shall submit the electronic instant bingo system to an independent testing laboratory that is licensed by the state lottery commission under section 3770.02 of the Revised Code, or that

is certified under section 3772.31 of the Revised Code, for testing and evaluation to determine whether the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter. The manufacturer shall pay all costs of that testing and evaluation.

(2) If the independent testing laboratory certifies that the electronic instant bingo system meets the requirements of this chapter and of rules adopted under this chapter, the manufacturer may submit the electronic instant bingo system, along with a copy of the laboratory's certification and a fee established by the attorney general by rule under Chapter 119. of the Revised Code, to the attorney general for review and approval. The manufacturer also shall submit a fee established by the attorney general by rule under Chapter 119. of the Revised Code, which the attorney general shall use to pay the cost of reviewing and approving electronic instant bingo systems under division (A) of this section.

(3) The attorney general shall approve the system for use in this state if the attorney general determines that the electronic instant bingo system meets the requirements of this chapter and of the rules adopted under this chapter. The attorney general shall consult the Ohio casino control commission for assistance in determining whether an electronic instant bingo system is prohibited for use under this chapter on the ground that it is a slot machine.

(4) An electronic instant bingo system shall be verified and sealed by the attorney general before the electronic instant bingo system is placed into service.

(5) Before an electronic instant bingo system is removed from service, the attorney general's seal shall be removed by the attorney general's designee. If the seal is removed after an electronic instant bingo system is sealed by the attorney general but before the electronic instant bingo system is placed into service, or if the seal is removed before an electronic instant bingo system is removed from service, or if the seal is removed by someone other than the attorney general's designee, the electronic instant bingo system shall be returned to an independent testing laboratory described in division (A)(1) of this section.

(B) Any electronic instant bingo system approved for use in this state shall have a central server located in Ohio which is accessible to the attorney general and shall include an internal report management system that records information concerning the operation of the system and that meets the requirements adopted by the attorney general by rule under Chapter 119. of the Revised Code. The internal report management system shall permit the attorney general or another person designated by the attorney general to

access the internal report management system, monitor the electronic instant bingo system, and remotely deactivate the electronic instant bingo system or any aspect of the system.

(C) The attorney general may inspect any electronic instant bingo system in use in this state at any time to ensure that the system is in compliance with this chapter and with the rules adopted under this chapter. If the attorney general determines that any person or any electronic instant bingo system is in violation of any provision of this chapter or of any rule adopted under this chapter, the attorney general may order that the violation immediately cease and may deactivate the electronic instant bingo system or any aspect of it.

(D) The attorney general may establish by rule adopted under Chapter 119. of the Revised Code an annual fee to be paid by distributors licensed under section 2915.081 of the Revised Code who have electronic instant bingo distributor endorsements to their licenses in order to pay the cost of monitoring the systems under division (B) of this section and the cost of inspecting systems under division (C) of this section.

Sec. 2921.36. (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code, except for small amounts of wine for sacramental purposes when the person engaging in the specified conduct is a cleric, as defined in section 2317.02 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written

rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, to a prisoner who is temporarily released from confinement for a work assignment, or to any patient in an institution under the control of the department of mental health and addiction services or the department of developmental disabilities any item listed in division (A)(1), (2), or (3) of this section.

(D) No person shall knowingly deliver, or attempt to deliver, cash to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment.

(E) No person shall knowingly deliver, or attempt to deliver, to any person who is confined in a detention facility, to a child confined in a youth services facility, or to a prisoner who is temporarily released from confinement for a work assignment a cellular telephone, two-way radio, or other electronic communications device.

(F)(1) It is an affirmative defense to a charge under division (A)(1) of this section that the weapon or dangerous ordnance in question was being transported in a motor vehicle for any lawful purpose, that it was not on the actor's person, and, if the weapon or dangerous ordnance in question was a firearm, that it was unloaded and was being carried in a closed package, box, or case or in a compartment that can be reached only by leaving the vehicle.

(2) It is an affirmative defense to a charge under division (C) of this section that the actor was not otherwise prohibited by law from delivering the item to the confined person, the child, the prisoner, or the patient and that either of the following applies:

(a) The actor was permitted by the written rules of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(b) The actor was given written authorization by the person in charge of the detention facility or the institution, office building, or other place to deliver the item to the confined person or the patient.

(G)(1) Whoever violates division (A)(1) of this section or commits a violation of division (C) of this section involving an item listed in division (A)(1) of this section is guilty of illegal conveyance of weapons onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation

and correction, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(2) Whoever violates division (A)(2) of this section or commits a violation of division (C) of this section involving any drug of abuse is guilty of illegal conveyance of drugs of abuse onto the grounds of a specified governmental facility, a felony of the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the fifth degree.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in

addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed on an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must abide by the law and must not leave the state without the permission of the court or the offender's probation officer. The court may impose any other conditions of release under a community control sanction that the court considers appropriate, including, but not limited to, requiring that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in division (D) of this section to determine whether the offender ingested or was injected with a drug of abuse and requiring that the results of the drug test indicate that the offender did not ingest or was not injected with a drug of abuse.

(2)(a) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, the court shall place the offender under the general control and supervision of a department of probation in the county that serves the court for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer. Alternatively, if the offender resides in another county and a county department of probation has been established in that county or that county is served by a multicounty probation department established under section 2301.27 of the Revised Code, the court may request the court of common pleas of that county to receive the offender into the general control and

supervision of that county or multicounty department of probation for purposes of reporting to the court a violation of any condition of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer, subject to the jurisdiction of the trial judge over and with respect to the person of the offender, and to the rules governing that department of probation.

If there is no department of probation in the county that serves the court, the court shall place the offender, regardless of the offender's county of residence, under the general control and supervision of the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to counties for purposes of reporting to the court a violation of any of the sanctions, any condition of release under a community control sanction imposed by the court, a violation of law, or the departure of the offender from this state without the permission of the court or the offender's probation officer.

(b) If the court imposing sentence on an offender sentences the offender to any community control sanction or combination of community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and if the offender violates any condition of the sanctions, violates any condition of release under a community control sanction imposed by the court, violates any law, or departs the state without the permission of the court or the offender's probation officer, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation or departure directly to the sentencing court, or shall report the violation or departure to the county or multicounty department of probation with general control and supervision over the offender under division (A)(2)(a) of this section or the officer of that department who supervises the offender, or, if there is no such department with general control and supervision over the offender under that division, to the adult parole authority or an entity authorized under division (B) of section 2301.27 of the Revised Code to provide probation and supervisory services to the county. If the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction reports the violation or departure to the county or multicounty department of probation, the adult parole authority, or any other entity providing probation and supervisory services to the county, the department's, authority's, or other entity's officers may treat the offender as if the offender were on probation and in violation

of the probation, and shall report the violation of the condition of the sanction, any condition of release under a community control sanction imposed by the court, the violation of law, or the departure from the state without the required permission to the sentencing court.

(3) If an offender who is eligible for community control sanctions under this section admits to being drug addicted or the court has reason to believe that the offender is drug addicted, and if the offense for which the offender is being sentenced was related to the addiction, the court may require that the offender be assessed by a properly credentialed professional within a specified period of time and shall require the professional to file a written assessment of the offender with the court. If a court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after consideration of the written assessment, if available at the time of sentencing, and recommendations of the professional and other treatment and recovery support services providers.

(4) If an assessment completed pursuant to division (A)(3) of this section indicates that the offender is addicted to drugs or alcohol, the court may include in any community control sanction imposed for a violation of section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code a requirement that the offender participate in alcohol and drug addiction services and recovery supports certified under section 5119.36 of the Revised Code or offered by a properly credentialed community addiction services provider.

(B)(1) If the conditions of a community control sanction imposed for a felony are violated or if the offender violates a law or leaves the state without the permission of the court or the offender's probation officer, the sentencing court may impose on the violator one or more of the following penalties:

(a) A longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified in division (A) of this section;

(b) A more restrictive sanction under section 2929.16, 2929.17, or 2929.18 of the Revised Code, including but not limited to, a new term in a community-based correctional facility, halfway house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code;

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations and rules, as applicable:

(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the ~~suspended~~ reserved prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the ~~suspended~~ reserved prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense , the prison term shall not exceed one hundred eighty days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the ~~suspended~~ reserved prison sentence at that time is less than one hundred eighty days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the ~~suspended~~ reserved prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies.

(iii) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(2)(a) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, the sentencing court may consider the offender's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the offender being the subject of another person seeking or obtaining medical assistance in

accordance with that division as a mitigating factor before imposing any of the penalties described in division (B)(1) of this section.

(b) If a court imposes a prison term on an offender under division (B)(1)(c)(i) or (ii) of this section for a technical violation of the conditions of a community control sanction, one of the following is applicable with respect to the time that the offender spends in prison under the term:

(i) Subject to division (B)(2)(b)(ii) of this section, it shall be credited against the offender's community control sanction that was being served at the time of the violation, and the remaining time under that community control sanction shall be reduced by the time that the offender spends in prison under the prison term. The By determination of the court, the offender upon release from the prison term either shall continue serving the remaining time under the community control sanction, as reduced under this division, or shall have the community control sanction terminated.

(ii) ~~If the offender, at the time of the a prison term is imposed for a technical violation, the offender was serving a residential community control sanction as part of a suspended prison sentence, it imposed under section 2929.16 of the Revised Code, the time spent serving the residential community control sanction shall be credited against the offender's community control sanction that was being served at the time of the violation and against the suspended reserved prison sentence, and the remaining time under that residential community control sanction and under the suspended reserved prison sentence shall be reduced by the time that the offender spends in prison under the prison term. The By determination of the court, the offender upon release from the prison term either shall continue serving the remaining time under the residential community control sanction, as reduced under this division, or shall have the residential community control sanction terminated.~~

~~(c) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c)~~

~~of this section for the subsequent violation or conduct.~~

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed ~~the~~ a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this division shall be within the range of prison terms available as a minimum term for the offense under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code.

(C) If an offender, for a significant period of time, fulfills the conditions of a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary manner, the court may reduce the period of time under the sanction or impose a less restrictive sanction, but the court shall not permit the offender to violate any law or permit the offender to leave the state without the permission of the court or the offender's probation officer.

(D)(1) If a court under division (A)(1) of this section imposes a condition of release under a community control sanction that requires the offender to submit to random drug testing, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section may cause the offender to submit to random drug testing performed by a laboratory or entity that has entered into a contract with any of the governmental entities or officers authorized to enter into a contract with that laboratory or entity under section 341.26, 753.33, or 5120.63 of the Revised Code.

(2) If no laboratory or entity described in division (D)(1) of this section has entered into a contract as specified in that division, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this

section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D)(1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D)(2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A)(1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D)(1) or (2) of this section shall transmit the results of the drug test to the appropriate department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A)(2)(a) of this section.

(E) As used in this section, "technical violation" means a violation of the conditions of a community control sanction imposed for a felony of the fifth degree, or for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense, and to which neither of the following applies:

(1) The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under the community control sanction.

(2) The violation consists of or includes the offender's articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition.

Sec. 2929.19. (A) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At

the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall do all of the following:

(a) Consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code;

(b) If the offense was committed when the offender was under eighteen years of age, in addition to other factors considered, consider youth and its characteristics as mitigating factors, including:

(i) The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;

(ii) The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history;

(iii) The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;

(iv) Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney;

(v) Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.

(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term;

(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications;

(c) If the prison term is a non-life felony indefinite prison term, notify the offender of all of the following:

(i) That it is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date, as defined in section 2967.271 of the Revised Code, whichever is earlier;

(ii) That the department of rehabilitation and correction may rebut the presumption described in division (B)(2)(c)(i) of this section if, at a hearing held under section 2967.271 of the Revised Code, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification;

(iii) That if, as described in division (B)(2)(c)(ii) of this section, the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in section 2967.271 of the Revised Code;

(iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in divisions (B)(2)(c)(i) and (ii) of this section more than one time, subject to the limitation specified in section 2967.271 of the Revised Code;

(v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

(d) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced, other than to a sentence of life imprisonment, for a felony of the first degree or second degree, for a felony sex offense, or

for a felony of the third degree that is an offense of violence and is not a felony sex offense. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a non-life felony indefinite prison term and including a term imposed for any offense of a type described in this division that is a risk reduction sentence, as defined in section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in division (B)(2)(d) of this section on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(d) of this section that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in division (B)(2)(d) of this section and failed to notify the offender pursuant to division (B)(2)(d) of this section regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence a statement regarding post-release control.

(e) Notify the offender that the offender may be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the third, fourth, or fifth degree that is not subject to division (B)(2)(d) of this section. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a term imposed for any such offense that is a risk reduction sentence, as defined in section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in division (B)(2)(e) of this section and failed to notify the offender pursuant to division (B)(2)(e) of this section regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence a statement regarding post-release control.

(f) Notify the offender that, if a period of supervision is imposed following the offender's release from prison, as described in division (B)(2)(d) or (e) of this section, and if the offender violates that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the definite prison term originally imposed upon the offender as the offender's stated prison term or

up to one-half of the minimum prison term originally imposed upon the offender as part of the offender's stated non-life felony indefinite prison term. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(f) of this section that the parole board may impose a prison term as described in division (B)(2)(f) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(2)(f) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(g)(i) Determine, notify the offender of, and include in the sentencing entry the total number of days, including the sentencing date but excluding conveyance time, that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and by which the department of rehabilitation and correction must reduce the definite prison term imposed on the offender as the offender's stated prison term or, if the offense is an offense for which a non-life felony indefinite prison term is imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code, the minimum and maximum prison terms imposed on the offender as part of that non-life felony indefinite prison term, under section 2967.191 of the Revised Code. The court's calculation shall not include the number of days, if any, that the offender served in the custody of the department of rehabilitation and correction arising out of any prior offense for which the prisoner was convicted and sentenced.

(ii) In making a determination under division (B)(2)(g)(i) of this section, the court shall consider the arguments of the parties and conduct a hearing if one is requested.

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the

court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 2967.191 of the Revised Code.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence

on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific range from which the prison term that may be imposed as a sanction for the violation, as selected by the court from which shall be the range of prison terms for the offense that is specified pursuant to section 2929.14 of the Revised Code and as described in section 2929.15 of the Revised Code."

(5) Before imposing a financial sanction under section 2929.18 of the Revised Code or a fine under section 2929.32 of the Revised Code, the court shall consider the offender's present and future ability to pay the amount of the sanction or fine.

(6) If the sentencing court sentences the offender to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a local detention facility, as defined in section 2929.36 of the Revised Code, and if the local detention facility is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply:

(a) The court shall specify both of the following as part of the sentence:

(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section.

(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section.

(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence

or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A)(1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term

pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any voluntary county, the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county may agree to having the county participate in the procedures regarding local and state confinement established under division (B)(3)(c) of this section. A board of county commissioners and an administrative judge of a court of common pleas that enter into an agreement of the type described in this division may terminate the agreement, but a termination under this division shall take effect only at the end of the state fiscal biennium in which the termination decision is made.

(c) Except as provided in division (B)(3)(d) of this section, ~~on~~ in any voluntary county, either division (B)(3)(c)(i) or divisions (B)(3)(c)(i) and (ii) of this section shall apply:

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in

division (C) or (D) of this section.

(ii) On and after September 1, 2022, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fourth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section. ~~Nothing~~

~~Nothing~~ in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fourth or fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code.

(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction.

(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail.

(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility.

Sec. 2953.25. (A) As used in this section:

(1) "Collateral sanction" means a penalty, disability, or disadvantage

that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.

"Collateral sanction" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(2) "Decision-maker" includes, but is not limited to, the state acting through a department, agency, board, commission, or instrumentality established by the law of this state for the exercise of any function of government, a political subdivision, an educational institution, or a government contractor or subcontractor made subject to this section by contract, law, or ordinance.

(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense.

(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws of this state.

(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code.

(8) "Discretionary civil impact," "licensing agency," and "mandatory civil impact" have the same meanings as in section 2961.21 of the Revised Code.

(B)(1) An individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(2) An individual who is subject to one or more collateral sanctions as a

result of being convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file for a certificate of qualification for employment by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section, shall contain all of the information described in division (F) of this section, and, except as provided in division (B)(6) of this section, shall be accompanied by an application fee of fifty dollars.

(4)(a) Except as provided in division (B)(4)(b) of this section, an individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(i) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(ii) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(b) The department of rehabilitation and correction may establish criteria by rule adopted under Chapter 119. of the Revised Code that, if

satisfied by an individual, would allow the individual to file a petition before the expiration of six months or one year from the date of final release, whichever is applicable under division (B)(4)(a) of this section.

(5)(a) A designee that receives a petition for a certificate of qualification for employment from an individual under division (B)(1) or (2) of this section shall review the petition to determine whether it is complete. If the petition is complete, the designee shall forward the petition, the application fee, and any other information the designee possesses that relates to the petition, to the court of common pleas of the county in which the individual resides if the individual submitting the petition resides in this state or, if the individual resides outside of this state, to the court of common pleas of the county in which the conviction or plea of guilty from which the individual seeks relief was entered.

(b) A court of common pleas that receives a petition for a certificate of qualification for employment from an individual under division (B)(2) of this section, or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section, shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court that receives or is forwarded the petition shall notify all other courts in this state that it determines under this division were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for employment under division (B)(2) of this section, or that is forwarded a petition for qualification under division (B)(5)(a) of this section may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B)(6) of this section, the court shall pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(6) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section, a court of common pleas or the designee of the deputy director of the division of parole and community services who receives the petition may

waive all or part of the fifty-dollar filing fee for an applicant who is indigent. If an application fee is partially waived, the first twenty dollars of the fee that is collected shall be paid into the county general revenue fund. Any partial fee collected in excess of twenty dollars shall be paid into the state treasury.

(C)(1) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, the court shall review the individual's petition, the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for employment, except that the court shall not require an individual to disclose information about any record sealed under section 2953.32 of the Revised Code.

(2) Upon receiving a petition for a certificate of qualification for employment filed by an individual under division (B)(2) of this section or being forwarded a petition for such a certificate under division (B)(5)(a) of this section, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives or is forwarded the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day period specified in this division.

(3) Except as provided in division (C)(5) of this section and subject to division (C)(7) of this section, a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section may issue a certificate of qualification for employment, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

(a) Granting the petition will materially assist the individual in obtaining

employment or occupational licensing.

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section;

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;

(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(6) An application that meets all of the requirements for the presumption under division (C)(5) of this section shall be denied only if the court that receives the petition finds that the evidence reviewed under division (C)(1) of this section rebuts the presumption of eligibility for issuance by establishing, by clear and convincing evidence, that the applicant has not been rehabilitated.

(7) A certificate of qualification for employment shall not create relief from any of the following collateral sanctions:

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;

(c) Restrictions on employment as a prosecutor or law enforcement officer;

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;

(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;

(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial

was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for employment issued to an individual lifts the automatic bar of a collateral sanction, and a decision-maker shall consider on a case-by-case basis whether to grant or deny the issuance or restoration of an occupational license or an employment opportunity, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a designee or court under division (C)(3) of this section.

(2) The certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the license, employment opportunity, or certification in question. Notwithstanding the presumption established under this division, the agency may deny the license or certification for the person if it determines that the person is unfit for issuance of the license.

(3) If an employer that has hired a person who has been issued a certificate of qualification for employment applies to a licensing agency for a license or certification and the person has a conviction or guilty plea that otherwise would bar the person's employment with the employer or licensure for the employer because of a mandatory civil impact, the agency shall give the person individualized consideration, notwithstanding the mandatory civil impact, the mandatory civil impact shall be considered for all purposes to be a discretionary civil impact, and the certificate constitutes a rebuttable presumption that the person's criminal convictions are insufficient evidence that the person is unfit for the employment, or that the employer is unfit for the license or certification, in question.

(E) A certificate of qualification for employment does not grant the individual to whom the certificate was issued relief from the mandatory civil impacts identified in division (A)(1) of section 2961.01 or division (B) of section 2961.02 of the Revised Code.

(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:

- (1) The individual's name, date of birth, and social security number;
- (2) All aliases of the individual and all social security numbers associated with those aliases;
- (3) The individual's residence address, including the city, county, and state of residence and zip code;
- (4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;
- (5) A general statement as to why the individual has filed the petition

and how the certificate of qualification for employment would assist the individual;

(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;

(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;

(8) Verifiable references and endorsements;

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted;

(11) Any other information required by rule by the department of rehabilitation and correction.

(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the

felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment. The department of rehabilitation and correction shall periodically review the certificates listed in the database described in division (K) of this section to identify those that are subject to revocation under this division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a certificate of qualification for employment to an individual under division (B) of this section does not give rise to a claim for damages against the department of rehabilitation and correction or court.

(J) The division of parole and community services shall adopt rules in accordance with Chapter 119. of the Revised Code for the implementation and administration of this section and shall prescribe the form for the petition to be used under division (B)(1) or (2) of this section. The form for the petition shall include places for all of the information specified in division (F) of this section.

(K) The department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the Revised Code:

(A)(1) "Eligible offender" means either of the following:

(a) Anyone who has been convicted of one or more offenses in this state or any other jurisdiction, if all of the offenses in this state are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an

offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense;

(b) Anyone who has been convicted of an offense in this state or any other jurisdiction, to whom division (A)(1)(a) of this section does not apply, and who has not more than two felony convictions, has not more than four misdemeanor convictions, or, if the person has exactly two felony convictions, has not more than those two felony convictions and two misdemeanor convictions in this state or any other jurisdiction. The conviction that is requested to be sealed shall be a conviction that is eligible for sealing as provided in section 2953.36 of the Revised Code. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section 2953.32 of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

(2) For purposes of, and except as otherwise provided in, division (A)(1)(b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender's operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

(B) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.

(C) "Bail forfeiture" means the forfeiture of bail by a defendant who is

arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

(D) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code, except that it also includes all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

(F) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.

(I) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.

Sec. 2953.33. (A) An order issued under section 2953.37 of the Revised Code to expunge the record of a person's conviction or, except as provided in division (G) of section 2953.32 of the Revised Code, an order issued under that section to seal the record of a person's conviction restores the person who is the subject of the order to all rights and privileges not otherwise restored by termination of the sentence or community control sanction or by final release on parole or post-release control.

(B)(1) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, except as provided in division (E) of section 2953.32 and in section 3319.292 of the Revised Code and subject to division ~~(B)(2)~~(B)(3) of this section, a person may be questioned only with respect to convictions not sealed, bail forfeitures not expunged under section 2953.42 of the Revised Code as it existed prior to June 29, 1988, and bail forfeitures not sealed, unless the question bears a direct and substantial relationship to the position for which the person is being considered.

(2) In any application for a certificate of qualification for employment under section 2953.25 of the Revised Code, a person may be questioned only with respect to convictions not sealed and bail forfeitures not sealed.

(3) A person may not be questioned in any application, appearance, or inquiry of a type described in division (B)(1) of this section with respect to

any conviction expunged under section 2953.37 of the Revised Code.

Sec. 2967.04. (A) A pardon or commutation may be granted upon such conditions precedent or subsequent as the governor may impose, which conditions shall be stated in the warrant. Such pardon or commutation shall not take effect until the conditions so imposed are accepted by the convict or prisoner so pardoned or having ~~his~~ a sentence commuted, and ~~his~~ the convict's or prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ the prisoner or convict, and attested by one witness. Such witness shall go before the clerk of the court of common pleas in whose office the sentence is recorded and prove the signature of the convict. The clerk shall thereupon record the warrant, indorsement, and proof in the journal of the court, which record, or a duly certified transcript thereof, shall be evidence of such pardon or commutation, the conditions thereof, and the acceptance of the conditions.

(B) An unconditional pardon relieves the person to whom it is granted of all disabilities arising out of the conviction or convictions from which it is granted. For purposes of this section, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(C) In the case of an unconditional pardon, the governor may include as a condition of the pardon that records related to the conviction be sealed as if the records are related to an offense that is eligible to be sealed. The governor may issue a writ for the records related to the pardoned conviction or convictions to be sealed. However, such a writ shall not seal the records required to be kept under division (E) of section 107.10 of the Revised Code and shall not have any impact on the governor's office or on reports required to be made under law. Other than the records required to be kept under division (E) of section 107.10 of the Revised Code, no records of the governor's office related to a pardon that have been sealed under this division are subject to public inspection unless directed by the governor. Inspection of the records or disclosure of information contained in the records may be made pursuant to division (D) of section 2953.32 of the Revised Code or as the governor may direct. A disclosure of records sealed under a writ issued by the governor is not a criminal offense.

Sec. 2967.17. (A) The adult parole authority, in its discretion, may grant an administrative release to any of the following:

(1) A parole violator ~~or~~, release violator, or releasee serving another felony sentence in a correctional institution within or without this state for the purpose of consolidation of the records or if justice would best be served;

(2) A parole violator at large or release violator at large whose case has been inactive for at least ten years following the date of declaration of the parole violation or the violation of a post-release control sanction;

(3) A parolee or releasee taken into custody by the immigration and naturalization service of the United States department of justice and deported from the United States.

(B)(1)(a) As used in divisions (B)(2) and (3) of this section, "position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.

(b) For purposes of divisions (B)(2) and (3) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after ~~the effective date of this amendment~~ May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after ~~the effective date of this amendment~~ May 13, 2008.

(2) The adult parole authority shall not grant an administrative release except upon the concurrence of a majority of the parole board and approval of the chief of the adult parole authority. An administrative release does not restore for the person to whom it is granted the rights and privileges forfeited by conviction as provided in section 2961.01 of the Revised Code. Any person granted an administrative release under this section may subsequently apply for a commutation of sentence for the purpose of regaining the rights and privileges forfeited by conviction, except that the privilege of circulating or serving as a witness for the signing of any declaration of candidacy and petition, voter registration application, or nominating, initiative, referendum, or recall petition forfeited under section 2961.01 of the Revised Code may not be restored under this section and except that the privilege of holding a position of honor, trust, or profit may not be restored under this section to a person in the circumstances described in division (B)(3) of this section.

(3) The privilege of holding a position of honor, trust, or profit may not be restored under this section to a person who was convicted of or pleaded guilty to committing on or after ~~the effective date of this amendment~~ May 13, 2008, any violation or offense listed in divisions (C)(2)(c)(i) to (vi) of section 2967.16 of the Revised Code that is a felony.

Sec. 2967.28. (A) As used in this section:

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.

(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.

(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.

(7) "Single validated risk assessment tool" means the single validated risk assessment tool selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code.

(B) Each sentence to a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a sentencing court to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code of this requirement or to include in the judgment of conviction entered on the journal a statement that the offender's sentence includes this requirement does not negate, limit, or otherwise affect the mandatory period of supervision that is required for the offender under this division. This division applies with respect to all prison terms of a type described in this division, including a non-life felony indefinite prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(d) of section 2929.19 of the Revised Code regarding post-release control or to

include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(1) of section 2929.14 of the Revised Code a statement regarding post-release control. Unless reduced by the parole board pursuant to division (D) of this section when authorized under that division, a period of post-release control required by this division for an offender shall be of one of the following periods:

(1) For a ~~felony of the first degree or for a~~ felony sex offense, five years;

(2) For a felony of the first degree that is not a felony sex offense, up to five years, but not less than two years;

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months;

~~(3)~~(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year.

(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or ~~(3)~~(4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to ~~three~~ two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division.

(D)(1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose ~~upon~~ on a prisoner described in division (B) of this section, shall impose ~~upon~~ on a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, may impose ~~upon~~ on a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction

sentence, and shall impose ~~upon~~ on a prisoner described in division (B)(2)(b) of section 5120.031 or in division (B)(1) of section 5120.032 of the Revised Code, one or more post-release control sanctions to apply during the prisoner's period of post-release control. Whenever the board or court imposes one or more post-release control sanctions ~~upon~~ on a prisoner, the board or court, in addition to imposing the sanctions, also shall include as a condition of the post-release control that the offender not leave the state without permission of the court or the offender's parole or probation officer and that the offender abide by the law. The board or court may impose any other conditions of release under a post-release control sanction that the board or court considers appropriate, and the conditions of release may include any community residential sanction, community nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board or court shall review the prisoner's criminal history, results from the single validated risk assessment tool ~~selected by the department of rehabilitation and correction under section 5120.114 of the Revised Code, all juvenile court adjudications finding the prisoner, while a juvenile, to be a delinquent child,~~ and the record of the prisoner's conduct while imprisoned. The parole board or court shall consider any recommendation regarding post-release control sanctions for the prisoner made by the office of victims' services. After considering those materials, the board or court shall determine, for a prisoner described in division (B) of this section, division (B)(2)(b) of section 5120.031, or division (B)(1) of section 5120.032 of the Revised Code and for a prisoner described in division (C) of this section who is to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances or, for a prisoner described in division (C) of this section who is not to be released before the expiration of the prisoner's stated prison term under a risk reduction sentence, whether a post-release control sanction is necessary and, if so, which post-release control sanction or combination of post-release control sanctions is reasonable under the circumstances. In the case of a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, the board or court shall presume that monitored time is the appropriate post-release control sanction unless the board or court determines that a more restrictive sanction is warranted. A post-release control sanction imposed under this division takes effect upon the prisoner's

release from imprisonment.

Regardless of whether the prisoner was sentenced to the prison term prior to, on, or after July 11, 2006, prior to the release of a prisoner for whom it will impose one or more post-release control sanctions under this division, the parole board shall notify the prisoner that, if the prisoner violates any sanction so imposed or any condition of post-release control described in division (B) of section 2967.131 of the Revised Code that is imposed on the prisoner, the parole board may impose a prison term of up to one-half of the stated prison term originally imposed ~~upon~~ on the prisoner.

At least thirty days before the prisoner is released from imprisonment under post-release control, except as otherwise provided in this paragraph, the department of rehabilitation and correction shall notify the victim and the victim's immediate family of the date on which the prisoner will be released, the period for which the prisoner will be under post-release control supervision, and the terms and conditions of the prisoner's post-release control regardless of whether the victim or victim's immediate family has requested the notification. The notice described in this paragraph shall not be given to a victim or victim's immediate family if the victim or the victim's immediate family has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the notice not be provided to the victim or the victim's immediate family. At least thirty days before the prisoner is released from imprisonment and regardless of whether the victim or victim's immediate family has requested that the notice described in this paragraph be provided or not be provided to the victim or the victim's immediate family, the department also shall provide notice of that nature to the prosecuting attorney in the case and the law enforcement agency that arrested the prisoner if any officer of that agency was a victim of the offense.

If the notice given under the preceding paragraph to the victim or the victim's immediate family is based on an offense committed prior to March 22, 2013, and if the department of rehabilitation and correction has not previously successfully provided any notice to the victim or the victim's immediate family under division (B), (C), or (D) of section 2930.16 of the Revised Code with respect to that offense and the offender who committed it, the notice also shall inform the victim or the victim's immediate family that the victim or the victim's immediate family may request that the victim or the victim's immediate family not be provided any further notices with respect to that offense and the offender who committed it and shall describe the procedure for making that request. The department may give the notices to which the preceding paragraph applies by any reasonable means,

including regular mail, telephone, and electronic mail. If the department attempts to provide notice to any specified person under the preceding paragraph but the attempt is unsuccessful because the department is unable to locate the specified person, is unable to provide the notice by its chosen method because it cannot determine the mailing address, electronic mail address, or telephone number at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the department shall make another attempt to provide the notice to the specified person. If the second attempt is unsuccessful, the department shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's immediate family, the notice shall include the opt-out information described in this paragraph. The department, in the manner described in division (D)(2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D)(2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (D)(1) of section 2930.16, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) of section 2967.26, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority ~~shall~~ may supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) ~~At any time after~~ After a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section.

The authority or court may determine, based upon the review and in accordance with the standards established under division (E) of this section, that a ~~more restrictive or a less restrictive sanction is appropriate and may impose a different sanction.~~ The authority also may recommend that the parole board or court increase or reduce the duration of the period of post-release control imposed by the court. If the authority recommends that the board or court increase the duration of post-release control, the board or court shall review the releasee's behavior and may increase the duration of the period of post-release control imposed by the court up to eight years. If the authority recommends that the board or court reduce the duration of control for an offense described in division (B) or (C) of this section, the board or court shall review the releasee's behavior and, subject to divisions (D)(3)(a) to (c) of this section, may reduce the duration of the period of control imposed by the court or, if the period of control was imposed for a non-life felony indefinite prison term, reduce the duration of or terminate the period of control imposed by the court the releasee has satisfactorily complied with the sanctions imposed, and if such a determination is made, the authority may recommend a less restrictive sanction, reduce the period of post-release control, or, no sooner than the minimum period of time required under section 2967.16 of the Revised Code, recommend that the parole board or court terminate the duration of the period of post-release control. In no case shall the board or court do any of the following:

(a) ~~Reduce~~ reduce the duration of the period of control imposed for ~~an a~~ a ~~felony sex~~ offense described in division (B)(1) of this section ~~to a period less than the length of the definite prison term included in the stated prison term originally imposed on the offender as part of the sentence or, with respect to a stated non-life felony indefinite prison term, to a period less than the length of the minimum prison term imposed as part of that stated prison term;~~

(b) ~~Consider any reduction or termination of the duration of the period of control imposed on a releasee prior to the expiration of one year after the commencement of the period of control, if the period of control was imposed for a non-life felony indefinite prison term and the releasee's minimum prison term or presumptive earned early release date under that term was extended for any length of time under division (C) or (D) of section 2967.271 of the Revised Code.~~

(c) ~~Permit the releasee to leave the state without permission of the court or the releasee's parole or probation officer.~~

(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division

(D)(3) of this section whether to terminate the period of control imposed on a releasee ~~for a non-life felony indefinite prison term.~~

(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following:

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to ~~three~~ two years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing or terminating the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time ~~upon~~ on a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction ~~upon~~ on a releasee based on results from the single validated risk assessment tool and on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions;

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:

(a) Classify violations according to the degree of seriousness;

(b) Define the circumstances under which formal action by the parole board is warranted;

(c) Govern the use of evidence at violation hearings;

(d) Ensure procedural due process to an alleged violator;

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.

(F)(1) Whenever the parole board imposes one or more post-release control sanctions ~~upon~~ on an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction ~~upon~~ on the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F)(3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed

upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed ~~upon~~ on the offender as part of this sentence or, with respect to a stated non-life felony indefinite prison term, one-half of the minimum prison term that was imposed as part of that stated prison term originally imposed ~~upon~~ on the offender. If a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control

for a period of time ~~determined by division (F)(4)(d) of this section~~, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board or court, plus one-half of the total stated prison term of the new felony.

~~(4) Any period of post-release control shall commence upon an offender's actual release from prison. If an offender is serving an indefinite prison term or a life sentence in addition to a stated prison term, the offender shall serve the period of post-release control in the following manner:~~

~~(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.~~

~~(b) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under an indefinite sentence, and if the period of parole ends prior to the period of post-release control, the offender shall be supervised on post-release control. The requirements of parole supervision shall be satisfied during the post-release control period.~~

~~(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.~~

~~(d)(G)(1) If an offender is simultaneously subject to a period of parole under an indefinite or life sentence and a period of post-release control, or is simultaneously subject to two periods of post-release control, the period of supervision that expires last shall determine the length and form of supervision for all the periods and the related sentences.~~

~~(2) An offender shall receive credit for post-release control supervision during the period of parole, and shall not be eligible for final release under section 2967.16 of the Revised Code until the post-release control period otherwise would have ended.~~

~~(3) If the period of parole ends prior to the end of the period of post-release control, the requirements of parole supervision shall be satisfied during the post-release control period.~~

(H)(1) A period of post-release control shall not be imposed consecutively to any other post-release control period.

(2) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.

(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order:

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code;

(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation:

(i) The law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code;

(ii) The state highway patrol contraband, forfeiture, and other fund;

(iii) The department of public safety investigative unit contraband, forfeiture, and other fund;

(iv) The department of taxation enforcement fund;

(v) The board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code;

(vi) The medicaid fraud investigation and prosecution fund;

(vii) The bureau of criminal identification and investigation asset forfeiture and cost reimbursement fund created by section 109.521 of the Revised Code;

(viii) The casino control commission enforcement fund created by section 3772.36 of the Revised Code;

(ix) The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;

(x) The treasurer of state for deposit into the ~~peace officer~~ Ohio law enforcement training commission fund if any other state law enforcement agency substantially conducted the investigation.

In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.

If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.

(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure.

(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any remaining amounts pursuant to this section, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of township trustees of each township that has a township police department, township or joint police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this section.

There is hereby created in the state treasury the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the medicaid fraud investigation and prosecution fund, and the department of taxation enforcement fund, ~~and the peace officer training commission fund~~, for the purposes of this section.

Amounts distributed to any municipal corporation, township, or park district law enforcement trust fund shall be allocated from the fund by the legislative authority only to the police department of the municipal corporation, by the board of township trustees only to the township police department, township police district police force, or office of the constable, by the joint police district board only to the joint police district, and by the board of park commissioners only to the park district police force or law enforcement department.

(2)(a) No amounts shall be allocated to a fund under this section or used by an agency unless the agency has adopted a written internal control policy that addresses the use of moneys received from the appropriate fund. The appropriate fund shall be expended only in accordance with that policy and, subject to the requirements specified in this section, only for the following purposes:

(i) To pay the costs of protracted or complex investigations or prosecutions;

(ii) To provide reasonable technical training or expertise;

(iii) To provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;

(iv) To pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory;

(v) For other law enforcement purposes that the superintendent of the state highway patrol, department of public safety, attorney general, auditor of state, prosecutor, county sheriff, legislative authority, department of taxation, Ohio casino control commission, board of township trustees, or board of park commissioners determines to be appropriate.

(b) The board of pharmacy drug law enforcement fund shall be expended only in accordance with the written internal control policy so adopted by the board and only in accordance with section 4729.65 of the Revised Code, except that it also may be expended to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory.

(c) A fund listed in division (B)(4)(b) of this section, other than the Medicaid fraud investigation and prosecution fund, shall not be used to meet

the operating costs of the agency, office, or political subdivision that are unrelated to law enforcement.

(d) Forfeited moneys that are paid into the state treasury to be deposited into the ~~peace officer~~ Ohio law enforcement training commission fund pursuant to this section shall be used by the commission only to pay the costs of peace officer training.

(3) Any of the following offices or agencies that receive amounts under this section during any calendar year shall file a report with the specified entity, not later than the thirty-first day of January of the next calendar year, verifying that the moneys were expended only for the purposes authorized by this section or other relevant statute and specifying the amounts expended for each authorized purpose:

(a) Any sheriff or prosecutor shall file the report with the county auditor.

(b) Any municipal corporation police department shall file the report with the legislative authority of the municipal corporation.

(c) Any township police department, township or joint police district police force, or office of the constable shall file the report with the board of township trustees of the township.

(d) Any park district police force or law enforcement department shall file the report with the board of park commissioners of the park district.

(e) The superintendent of the state highway patrol, the auditor of state, and the tax commissioner shall file the report with the attorney general.

(f) The executive director of the state board of pharmacy shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the board of pharmacy drug law enforcement fund were used only in accordance with section 4729.65 of the Revised Code.

(g) The peace officer training commission shall file a report with the attorney general, verifying that cash and forfeited proceeds paid into the ~~peace officer~~ Ohio law enforcement training commission fund pursuant to this section during the prior calendar year were used by the commission during the prior calendar year only to pay the costs of peace officer training.

(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at

least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Any failure of a law enforcement officer or agency, prosecutor, court, or the attorney general to comply with this section in relation to any property seized does not affect the validity of the seizure and shall not be considered to be the basis for suppressing any evidence resulting from the seizure, provided the seizure itself was lawful.

(G) As used in this section, "Ohio law enforcement training fund" means the state law enforcement training fund described in division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution.

Sec. 3107.11. (A) After the filing of a petition to adopt an adult or a minor, the court shall fix a time and place for hearing the petition. The hearing may take place at any time more than thirty days after the date on which the minor is placed in the home of the petitioner. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing shall be given by the court to all of the following:

(1) Any juvenile court, agency, or person whose consent to the adoption

is required by this chapter but who has not consented;

(2) A person whose consent is not required as provided by division (A), (G), (H), or (I) of section 3107.07 of the Revised Code and has not consented;

(3) Any guardian, custodian, or other party who has temporary custody or permanent custody of the child.

Notice shall not be given to a person whose consent is not required as provided by division (B), (C), (D), (E), (F), or (J) of section 3107.07, or section 3107.071, of the Revised Code. Second notice shall not be given to a juvenile court, agency, or person whose consent is not required as provided by division (K) of section 3107.07 of the Revised Code because the court, agency, or person failed to file an objection to the petition within fourteen days after proof was filed pursuant to division (B) of this section that a first notice was given to the court, agency, or person pursuant to division (A)(1) of this section.

(B) Upon the filing of a petition for adoption that alleges that a parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor, the clerk of courts shall send a notice to that parent with the following language in boldface type and in all capital letters:

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE ADOPTION PETITION OR APPEAR AT THE HEARING."

(C) All notices required under this section shall be given as specified in the Rules of Civil Procedure. Proof of the giving of notice shall be filed with

the court before the petition is heard.

Sec. 3107.15. (A) A final decree of adoption and an interlocutory order of adoption that has become final as issued by a court of this state, or a decree issued by a jurisdiction outside this state as recognized pursuant to section 3107.18 of the Revised Code, shall have the following effects as to all matters within the jurisdiction or before a court of this state, whether issued before or after May 30, 1996:

(1)(a) Except with respect to a spouse of the petitioner and relatives of the spouse, to relieve the biological or other legal parents of the adopted person of all parental rights and responsibilities, and to terminate all legal relationships between the adopted person and the adopted person's relatives, including the adopted person's biological or other legal parents, so that, except as provided under division (A)(1)(b) of this section, the adopted person thereafter is a stranger to the adopted person's former relatives for all purposes including inheritance and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the person by name or by some designation not based on a parent and child or blood relationship;

(b) The legal parents of an adopted person may be notified that a sibling of the adopted person has been placed into out-of-home care. For the purposes of this division, "sibling" means a former biological sibling, former legal sibling, or any person who would have been considered a sibling if not for a termination or other disruption of parental rights.

(2) To create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and whether executed or created before or after May 30, 1996, which do not expressly exclude an adopted person from their operation or effect;

(3) Notwithstanding division (A)(2) of this section, a person who is eighteen years of age or older at the time the person is adopted, and the adopted person's lineal descendants, are not included as recipients of gifts, devises, bequests, or other transfers of property, including transfers in trust made to a class of persons including, but not limited to, children, grandchildren, heirs, issue, lineal descendants, and next of kin, for purposes of inheritance and applicability of statutes, documents, and instruments, whether executed or created before or after May 30, 1996, unless the document or instrument expressly includes the adopted person by name or expressly states that it includes a person who is eighteen years of age or

older at the time the person is adopted.

(B) Notwithstanding division (A) of this section, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's rights from or through the deceased parent for all purposes, including inheritance and applicability or construction of documents, statutes, and instruments, are not restricted or curtailed by the adoption.

(C) Notwithstanding division (A) of this section, if the relationship of parent and child has not been terminated between a parent and that parent's child and a spouse of the other parent of the child adopts the child, a grandparent's or relative's right to companionship or visitation pursuant to section 3109.11 of the Revised Code is not restricted or curtailed by the adoption.

(D) An interlocutory order of adoption, while it is in force, has the same legal effect as a final decree of adoption. If an interlocutory order of adoption is vacated, it shall be as though void from its issuance, and the rights, liabilities, and status of all affected persons that have not become vested are governed accordingly.

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

(1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.

(2) "Child support order" means either a court child support order or an administrative child support order.

(3) "Obligee" means the person who is entitled to receive the support payments under a support order.

(4) "Obligor" means the person who is required to pay support under a support order.

(5) "Support order" means either an administrative child support order or a court support order.

(C) As used in this chapter:

(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.

(2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

(3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(6) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(9) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(10) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents.

(11) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides

benefits to its employees or members.

(12) "Gross income" means, except as excluded in division (C)(12) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; spousal support actually received; and all other sources of income. "Gross income" includes income of members of any branch of the United States armed services or national guard, including, amounts representing base pay, basic allowance for quarters, basic allowance for subsistence, supplemental subsistence allowance, cost of living adjustment, specialty pay, variable housing allowance, and pay for training or other types of required drills; self-generated income; and potential cash flow from any source.

"Gross income" does not include any of the following:

(a) Benefits received from means-tested government administered programs, including Ohio works first; prevention, retention, and contingency; means-tested veterans' benefits; supplemental security income; supplemental nutrition assistance program; disability financial assistance; or other assistance for which eligibility is determined on the basis of income or assets;

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and foster care

maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.

(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(15)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(15)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(16) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(17) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

- (i) The parent's prior employment experience;
- (ii) The parent's education;
- (iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.

(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.

(21) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

(22) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

Sec. 3301.079. (A)(1) The state board of education periodically shall

adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The state board shall ensure that the standards do all of the following:

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education;

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards

shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than ~~December 31, 2018~~ one year after the effective date of this amendment, the state board shall ~~adopt~~ update the standards and a model curriculum for instruction in computer science in grades kindergarten through twelve, which shall include standards for introductory and advanced computer science courses in grades nine through twelve. When developing the standards and curriculum, the state board shall consider recommendations from computer science education stakeholder groups, including teachers and representatives from higher education, industry, computer science organizations in Ohio, and national computer science organizations.

Any district or school may utilize the computer science standards or model curriculum or any part thereof adopted pursuant to division (A)(4) of this section. However, no district or school shall be required to utilize all or any part of the standards or curriculum.

(5) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site.

(B)(1) The state board shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through

twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum.

(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.

(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.

Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.

(C) The state board shall develop achievement assessments aligned with the academic standards and model curriculum for each of the subject areas and grade levels required by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised Code.

When any achievement assessment has been completed, the state board shall inform all school districts, community schools, STEM schools, and nonpublic schools required to administer the assessment of its completion, and the department shall make the achievement assessment available to the districts and schools.

(D)(1) The state board shall adopt a diagnostic assessment aligned with the academic standards and model curriculum for each of grades kindergarten through two in reading, writing, and mathematics and for grade three in reading and writing. The diagnostic assessment shall be designed to measure student comprehension of academic content and mastery of related skills for the relevant subject area and grade level. Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic assessments shall be public records.

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department shall make the diagnostic assessment available to the districts at no cost to

the district.

(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

However, beginning with the 2017-2018 school year, both of the following shall apply:

(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;

(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D)(3)(a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code.

(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.

(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields.

If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments.

(G) Whenever the state board adopts standards or model curricula under this section, the department also shall provide information on the use of blended, online, or digital learning in the delivery of the standards or curricula to students in accordance with division (A)(5) of this section.

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of

action.

(I) Not later than sixty days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall present the academic standards or model curricula, as applicable, in person at a public hearing of the respective committees of the house of representatives and senate that consider education legislation.

(J) As used in this section:

(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.

(2) ~~"Coherence"~~ "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the discipline being taught.

~~(3)~~(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

~~(4)~~(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.

~~(5)~~(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.

Sec. 3301.0712. (A) The state board of education, the superintendent of public instruction, and the chancellor of higher education shall develop a system of college and work ready assessments as described in division (B) of this section to assess whether each student upon graduating from high school is ready to enter college or the workforce. Beginning with students who enter the ninth grade for the first time on or after July 1, 2014, the system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and one determinant of eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (D) of this section.

(B) The college and work ready assessment system shall consist of the following:

(1) ~~Nationally~~(a) Except as provided in division (B)(1)(b) of this section, nationally standardized assessments that measure college and career readiness and are used for college admission. The assessments shall be selected jointly by the state superintendent and the chancellor, and one of which shall be selected by each school district or school to administer to its students. The assessments prescribed under division (B)(1) of this section shall be administered to all eleventh-grade students in the spring of the school year.

(b) Beginning with students who enter the ninth grade for the first time on or after the first day of July immediately following the effective date of this amendment, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the student's school district or school shall not administer the nationally standardized assessment to that student.

(2)(a) Except as provided in division (B)(2)(b) of this section, seven end-of-course examinations, one in each of the areas of English language arts I, English language arts II, science, Algebra I, geometry, American history, and American government. The end-of-course examinations shall be selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. Advanced placement examinations and international baccalaureate examinations, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used as end-of-course examinations in accordance with division (B)(4)(a)(i) of this section. Final course grades for courses taken under any other advanced standing program, as prescribed under section 3313.6013 of the Revised Code, in the areas of science, American history, and American government may be used in lieu of end-of-course examinations in accordance with division (B)(4)(a)(ii) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2019, five end-of-course examinations, one in each areas of English language arts II, science, Algebra I, American history, and American government. However, only the end-of-course examinations in English language arts II and Algebra I shall be required for graduation.

The department of education shall, as necessary to implement division (B)(2)(b) of this section, seek a waiver from the United States secretary of education for testing requirements prescribed under federal law to allow for the use and implementation of Algebra I as the primary assessment of high school mathematics. If the department does not receive a waiver under this

division, the end-of-course examinations for students described in division (B)(2)(b) of this section also shall include an end-of-course examination in the area of geometry. However, the geometry end-of-course examination shall not be required for graduation.

(3)(a) Not later than July 1, 2013, each school district board of education shall adopt interim end-of-course examinations that comply with the requirements of divisions (B)(3)(b)(i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B)(2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A)(1)(b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4)(a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B)(2) of this section. The state board shall specify the score levels for each advanced placement examination and international baccalaureate examination for purposes of calculating the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the

Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Not later than sixty days after the designation of ranges of scores, the state superintendent, or the state superintendent's designee, shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (i) An advanced level of skill;
- (ii) An accelerated level of skill;
- (iii) A proficient level of skill;
- (iv) A basic level of skill;
- (v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;

(c) Determine the minimum cumulative performance score that

demonstrates the level of academic achievement necessary to earn a high school diploma under division (A)(2) of section 3313.618 of the Revised Code. However, the state board shall not determine a new minimum cumulative performance score after ~~the effective date of this amendment~~ October 17, 2019.

(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.

A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B)(5)(a)(iii) of this section.

(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:

(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.

(ii) The examination was not available for administration prior to July 1, 2015.

Receipt of credit for the course described in division (B)(6)(a)(i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B)(6)(a) of this section may take the applicable end-of-course examination at a later date.

(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B)(6)(a) of this section has attained the cumulative score prescribed by division (B)(5)(c) of this section, such student shall select either of the following:

(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt;

(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt.

The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma.

(7)(a) Notwithstanding anything to the contrary in this section, the state board may replace the algebra I end-of-course examination prescribed under division (B)(2) of this section with an algebra II end-of-course examination, beginning with the 2016-2017 school year for students who enter ninth grade on or after July 1, 2016.

(b) If the state board replaces the algebra I end-of-course examination

with an algebra II end-of-course examination as authorized under division (B)(7)(a) of this section, both of the following shall apply:

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A)(2) of section 3313.618 of the Revised Code.

(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.

(10) Not later than March 1, 2020, the department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation

eligibility.

(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.

(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code;

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.

(F)(1) Any person enrolled in a nonchartered nonpublic school or any person who has been excused from attendance at school for the purpose of home instruction under section 3321.04 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments.

(2) The department shall adopt rules for the administration and scoring

of any assessments under division (F)(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as

regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) Dropout rates;

(k) Rates of retention in grade;

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any

diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division ~~(B)(4)~~ (B)(8) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to ~~(e)(d)~~ of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines

adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of lead teachers employed by each school district and each school building.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) For fiscal years 2022 and 2023, the annual reports submitted by each school district under section 3317.25 of the Revised Code describing the initiative or initiatives on which the district's disadvantaged pupil impact aid were spent;

(5) For fiscal years 2022 and 2023, the average number of students riding on school buses routed to community schools established under Chapter 3314. of the Revised Code in accordance with section 3327.01 of the Revised Code;

(6) For fiscal years 2022 and 2023, the average number of students riding on school buses routed to STEM schools established under Chapter 3326. of the Revised Code in accordance with section 3327.01 of the Revised Code;

(7) For fiscal years 2022 and 2023, the average number of students riding on school buses routed to nonpublic schools in accordance with section 3327.01 of the Revised Code;

(8) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost

accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in ~~formula~~ enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units

under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of

residence for a student. Nothing in this section prohibits the state board of education or department of education from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2)(a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D)(2)(d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D)(2)(d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b)(i) Except as provided in sections 3301.941, 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under ~~division (C) of section 3314.08~~ 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data

verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions

(H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions

for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If

the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this

section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

(Q) If the department cannot compile any of the information required by division (H) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3301.0715. (A) Except as required under division (B)(1) of section 3313.608 or as specified in division (D)(3) of section 3301.079 of the Revised Code, the board of education of each city, local, and exempted village school district shall administer each applicable diagnostic assessment developed and provided to the district in accordance with section 3301.079 of the Revised Code to the following:

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to

that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the ~~first day of November~~ twentieth day of instruction of that school year. ~~However, a board of education may administer the selected response and performance task items portion of the diagnostic assessment up to two weeks prior to the first day of the school year.~~

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of education. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) Any district that received a grade of "A" or "B" for the performance index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for the immediately preceding school year may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit to the department, in the manner the department prescribes, the results of the diagnostic assessments

administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code. The department may issue reports with respect to the data collected. The department may report school and district level kindergarten diagnostic assessment data and use diagnostic assessment data to calculate the measure prescribed by divisions (B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code.

(E) Each district board shall provide intervention services to students whose diagnostic assessments show that they are failing to make satisfactory progress toward attaining the academic standards for their grade level.

(F) Beginning in the 2018-2019 school year, any chartered nonpublic school may elect to administer the kindergarten readiness assessment to all kindergarten students enrolled in the school. If the school so elects, the chief administrator of the school shall notify the superintendent of public instruction not later than the thirty-first day of March prior to any school year in which the school will administer the assessment. The department shall furnish the assessment to the school at no cost to the school. In administering the assessment, the school shall do all of the following:

(1) Enter into a written agreement with the department specifying that the school will share each participating student's assessment data with the department and, that for the purpose of reporting the data to the department, each participating student will be assigned a data verification code as described in division (D)(2) of section 3301.0714 of the Revised Code;

(2) Require the assessment to be administered by a teacher certified under section 3301.071 of the Revised Code who either has completed training on administering the kindergarten readiness assessment provided by the department or has been trained by another person who has completed such training;

(3) Administer the assessment in the same manner as school districts are required to do under this section and the rules established under division (D) of this section.

(G) Beginning in the 2019-2020 school year, a school district in which less than eighty per cent of its students score at the proficient level or higher on the third-grade English language arts assessment prescribed under section 3301.0710 of the Revised Code shall establish a reading improvement plan supported by reading specialists. Prior to implementation, the plan shall be approved by the school district board of education.

Sec. 3301.23. (A) Not later than thirty days after the effective date of this section, the department of education, in consultation with the chancellor of higher education, shall establish a committee to develop a state plan for computer science education for the purposes of primary and secondary

education.

(B) When developing the plan, the committee established under this section shall consider the following:

(1) Best practices and challenges associated with the implementation of primary and secondary computer science curriculum in this state;

(2) Demographic data for students who receive instruction in computer science;

(3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science;

(4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science;

(5) Requiring all students to complete a computer science course prior to high school graduation;

(6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to align computer science education in the state with the state's workforce needs;

(7) Any other topic determined appropriate by the committee.

(C) The committee established under this section shall consist of all of the following:

(1) The superintendent of public instruction, or designee;

(2) The chancellor, or designee;

(3) Representatives of computer science education stakeholders appointed by the state superintendent, in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of the following:

(a) Career-technical education;

(b) Teachers;

(c) Institutions of higher education;

(d) Businesses;

(e) State and national computer science organizations.

(D) Within the plan, the committee established under this section shall include all of the following:

(1) An examination of the challenges that prevent school districts from offering computer science courses;

(2) A requirement that the department of education collect any data regarding computer science courses offered by school districts and school buildings operated by school districts, including the names of the courses and whether the courses were developed using the standards and model

curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code, and post the collected data on its web site.

(3) A requirement that the committee determine the best ways to compile data on computer science courses, teachers, and undergraduate students studying computer science in universities.

(4) Any findings the committee determines appropriate based on its consideration of the topics described in division (B) of this section.

(E) The committee shall complete the plan not later than one year after the effective date of this section and the department shall post the completed plan in a prominent location on its web site.

Sec. 3301.85. (A) Beginning on the effective date of this section, the department of education shall submit to the joint committee on agency rule review, created in section 101.35 of the Revised Code, any proposed changes to either the education management information system established under section 3301.0714 of the Revised Code or the department's business rules and policies that may affect community schools established under Chapter 3314. of the Revised Code.

(B) When the department submits the proposed changes to the education management information system or the department's business rules and policies that affect community schools, the joint committee on agency rule review shall hold one or more public hearings at which community schools may present testimony on their ability and capacity to comply with the proposed changes.

(C) The joint committee on agency rule review shall consider any testimonies provided at the public hearings required under division (B) of this section and vote to determine whether community schools can reasonably comply with the proposed changes.

(D) The department shall not implement any changes to the education management information system or the department's business rules and policies that may affect community schools without the joint committee on agency rule review's determination that community schools can reasonably comply with those changes.

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or

STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, or 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, or 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after ~~the effective date of this amendment~~ October 15, 2015.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools ~~may were required to~~ be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to the effective date of this amendment;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school ~~year~~ years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments

administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian.

Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C)(3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.

(A) The department of education shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to the following:

(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;

(2) For the 2012-2013 school year, and for each school year thereafter, districts and buildings in the manner prescribed by any agreement currently in force between the department and the United States department of education. The department shall endeavor to include schools and buildings that receive grades under section 3302.03 of the Revised Code that the department considers to be low performing.

The system shall include services provided to districts and buildings through regional service providers, such as educational service centers. The system may include the appointment of an improvement coordinator for any of the lowest performing districts, as determined by the department, to coordinate the district's academic improvement efforts and to build support among the community for those efforts.

(B) This division does not apply to any school district after June 30, 2008.

When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three-year continuous improvement plan for the district or building containing each of the following:

(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;

(2) Specific strategies that the district or building will use to address the problems in academic achievement identified in division (B)(1) of this section;

(3) Identification of the resources that the district will allocate toward improving the academic achievement of the district or building;

(4) A description of any progress that the district or building made in the preceding year toward improving its academic achievement;

(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

(2) For the 2012-2013 school year, and for each school year thereafter,

the department may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) of this section.

(3) Division (D)(3) of this section does not apply to any school district after June 30, 2008.

If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three-year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.

(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;

(b) Determining pupil-teacher ratios;

(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;

(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;

(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;

(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code.

(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:

(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division (E)(2) of this section.

(b) If the building receives funds under Title I, Part A of the

"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, offer supplemental educational services to students who are enrolled in the building and who are in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section and to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can satisfy all demand for transportation and pay the costs of supplemental educational services for those students who request them with a lesser amount. In allocating funds between the requirements of divisions (E)(1)(b) and (E)(2)(a) and (b) of this section, the district shall spend at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division (E)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division (E)(2)(b) of this section.

No student who enrolls in an alternative building under division (E)(2)(a) of this section shall be eligible for supplemental educational services under division (E)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district may request the department to establish a state intervention team for this purpose pursuant to division (G) of this section.

(d) Extend the length of the school day or year;

(e) Replace the building principal or other key personnel;

(f) Reorganize the administrative structure of the building.

(4) For any school building that fails to make adequate yearly progress for five consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall develop a plan during the next succeeding school year to improve the academic performance of the building, which shall include at least one of the following options:

(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;

(b) Replace personnel;

(c) Contract with a nonprofit or for-profit entity to operate the building;

(d) Turn operation of the building over to the department;

(e) Other significant restructuring of the building's governance.

(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E)(2) of this section and shall implement the plan developed pursuant to division (E)(4) of this section.

(6) A district shall continue to comply with division (E)(1)(b) or (E)(2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.

(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child

Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.

(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.

(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.

(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:

(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;

(b) Direct the district to replace key district personnel;

(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(d) Establish alternative forms of governance for individual school buildings within the district;

(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.

The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.

(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.

(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of

this section with respect to the district.

(G) The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building.

The department shall not approve a district's request for an intervention team under division (E)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team.

(H) The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section.

(I) A school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code shall report the use of funding for tutorial assistance grants under that program in the district's three-year continuous improvement plan under this section in a manner approved by the department.

(J) The state board shall adopt rules for implementing this section.

Sec. 3302.043. (A) As used in this section, "eligible district" means a city school district to which both of the following apply:

(1) The district has persistently low performance ratings, as determined by the department of education, under section 3302.03 of the Revised Code.

(2) The district is not subject to an academic distress commission under section 3302.10 of the Revised Code.

(B) The department shall establish the career promise academy summer demonstration pilot program. Under the pilot program, which shall operate in the 2021-2022 and 2022-2023 school years, the department shall solicit proposals from eligible districts to establish and operate a career promise academy during the summer to provide students entering ninth grade with intensive literacy instruction, internship or mentoring experiences, and instruction regarding academic preparedness skills, life skills, and financial literacy. The department shall approve one proposal based on the criteria prescribed under division (C) of this section. The department shall award a grant to the eligible district with an approved proposal.

(C) The department shall adopt criteria under which to approve a proposal for a career promise academy, which shall include all of the following:

(1) A requirement that the career promise academy operate as follows:

(a) For four consecutive weeks in the summer of 2021;

(b) For five consecutive weeks in the summer of 2022.

(2) A requirement that not more than seventy-five students participate in the career promise academy in one summer;

(3) A requirement for the eligible district to submit to the department, in a form and manner prescribed by the department, any data that the department and district jointly determine is necessary to evaluate the pilot program;

(4) A method to determine student eligibility to participate in the career promise academy. The method shall identify students entering ninth grade who are at risk of not qualifying for a high school diploma based on the student's scores on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code and other academic or social-emotional factors.

(5) A description of the instruction and internship or mentoring experiences that participating students will receive;

(6) An agreement with the district's business advisory council established under section 3313.82 of the Revised Code and other organizations or businesses to identify or provide internship and mentoring experiences to participating students;

(7) An agreement with at least one institution of higher education to identify and engage with prospective teachers to serve as mentors and academic coaches to participating students.

(D) The department shall adopt guidelines and procedures to operate the pilot program established under this section.

Sec. 3302.103. (A) This section applies to any school district that meets one of the following conditions:

(1) An academic distress commission was established for the district in 2013 by the superintendent of public instruction under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district by the state superintendent under division (A)(2) of section 3302.10 of the Revised Code.

(2) An academic distress commission was established for the district in 2010 by the state superintendent under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district under division (A)(2) of section 3302.10 of the Revised Code.

(3) An academic distress commission was established for the district by

the state superintendent in 2018 under division (A)(1) of section 3302.10 of the Revised Code.

(B) The auditor of state shall complete a performance audit of a school district to which this section applies one time during the three-year period of the plan implemented under division (D)(2) of this section and submit the results of the audit to the board of education of the school district and the academic distress commission established for the district. The performance audit shall be conducted in the same manner as prescribed by section 3316.042 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, not later than ninety days after the effective date of this section, the district board of a school district to which this section applies, in consultation with the appropriate stakeholders, the academic distress commission, and the chief executive officer appointed by that commission under section 3302.10 of the Revised Code, shall develop and submit an academic improvement plan for the district to the state superintendent.

The plan developed under division (C) of this section shall operate for a period of three school years and shall include annual and overall academic improvement benchmarks for the district and strategies for achieving those benchmarks.

(D)(1) The state superintendent shall review the plan submitted under division (C) of this section. Not later than thirty days after receiving the plan for review, the state superintendent shall approve the plan or suggest modifications to the plan. If the state superintendent suggests modifications, the district board shall revise the plan and resubmit it within fifteen days after receiving the suggested modifications. The state superintendent shall review and approve the plan within thirty days after receiving it.

(2) Upon approval of the plan by the state superintendent, the district board may begin to prepare to implement the plan, which shall be in effect from July 1, 2022, to June 30, 2025. The district's academic distress commission and chief executive officer shall work with the district in preparing to implement the plan.

(3) If the district board determines it necessary, it may submit a request to the state superintendent to modify the improvement plan during the period of time specified in division (D)(2) of this section. The improvement plan shall not be modified without the state superintendent's approval.

(E) During the school years that the district is implementing the plan approved by the state superintendent, the following apply:

(1) The district shall not be subject to section 3302.10 of the Revised Code.

(2) The district board shall reassume all powers granted to it under the Revised Code.

(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district.

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F)(1)(b) or (F)(2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the state board of education on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the district shall be evaluated by the state board based on the academic improvement benchmarks established in the plan.

(1)(a) If the district improves but does not meet at least a majority of the academic improvement benchmarks established in the improvement plan, the district board may apply to the state superintendent for an extension of one school year to continue implementing the plan, pending approval by the state superintendent. If the district does not meet at least a majority of the established benchmarks at the end of the extension, the district again may apply to the state superintendent for an extension of one school year to continue implementing the plan. The district shall not apply for an extension more than twice.

(b) If the district does not meet at least a majority of the academic improvement benchmarks at the end of five school years under the plan or if the state superintendent does not approve a district's application for an extension submitted under division (F)(1)(a) of this section, the district shall be subject to section 3302.10 of the Revised Code. The academic distress commission shall appoint a new chief executive officer for the district as prescribed in division (C) of that section, and the chief executive officer

shall reassume the powers that were being exercised under that section prior to July 1, 2022.

(2) If the district meets at least a majority of the academic improvement benchmarks established in its improvement plan at the end of the initial evaluation or, if applicable, after an extension granted by the state superintendent under division (F)(1)(a) of this section, the academic distress commission shall be dissolved, and the district board shall continue exercising all powers granted to it under the Revised Code.

Sec. 3302.20. (A) The department of education shall develop standards for determining, from the existing data reported in accordance with sections 3301.0714 and 3314.17 of the Revised Code, the amount of annual operating expenditures for classroom instructional purposes and for nonclassroom purposes for each city, exempted village, local, and joint vocational school district, each community school established under Chapter 3314. that is not an internet- or computer-based community school, each internet- or computer-based community school, and each STEM school established under Chapter 3326. of the Revised Code. The department shall present those standards to the state board of education for consideration. In developing the standards, the department shall adapt existing standards used by professional organizations, research organizations, and other state governments. The department also shall align the expenditure categories required for reporting under the standards with the categories that are required for reporting to the United States department of education under federal law.

The state board shall consider the proposed standards and adopt a final set of standards not later than December 31, 2012. School districts, community schools, and STEM schools shall begin reporting data in accordance with the standards on June 30, 2013.

(B)(1) The department shall categorize all city, exempted village, and local school districts into not less than three nor more than five groups based primarily on average daily student enrollment as reported on the most recent report card issued for each district under section 3302.03 of the Revised Code.

(2) The department shall categorize all joint vocational school districts into not less than three nor more than five groups based primarily on ~~formula~~ enrolled ADM as that term is defined in section 3317.02 of the Revised Code rounded to the nearest whole number.

(3) The department shall categorize all community schools that are not internet- or computer-based community schools into not less than three nor more than five groups based primarily on average daily student enrollment

as reported on the most recent report card issued for each community school under sections 3302.03 and 3314.012 of the Revised Code or, in the case of a school to which section 3314.017 of the Revised Code applies, on the total number of students reported under divisions ~~(B)(2)(a) and (b)~~ (B)(1) and (2) of section 3314.08 of the Revised Code.

(4) The department shall categorize all internet- or computer-based community schools into a single category.

(5) The department shall categorize all STEM schools into a single category.

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school;

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all city, exempted village, and local

school districts statewide with the highest performance index scores.

(2) Within each category of joint vocational school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(5) Within the category of STEM schools, the department shall denote each school that is:

(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide

information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

Sec. 3302.41. As used in this section, "blended learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may operate all or part of a school using a blended learning model. If a school is operated using a blended learning model or is to cease operating using a blended learning model, the superintendent of the school or district or director of the school shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school, community school, or STEM school is already operated using a blended learning model on ~~the effective date of this section~~ September 24, 2012, the superintendent of the school or district may notify the department within ninety days after ~~the effective date of this section~~ September 24, 2012, of that fact and request that the school be classified as a blended learning school.

(B) The state board of education shall revise any operating standards for school districts and chartered nonpublic schools adopted under section 3301.07 of the Revised Code to include standards for the operation of blended learning under this section. The blended learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in blended learning classrooms;

(2) The extent to which the school is or is not obligated to provide students with access to digital learning tools;

(3) The ability of all students, at any grade level, to earn credits or

advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

~~(4) An exemption from minimum school year or school day requirements in sections 3313.48 and 3313.481 of the Revised Code~~ Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that the school have an annual instructional calendar of not less than nine hundred ten hours;

(5) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, is not a blended learning school authorized under this section. Nor does this section affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3302.42. As used in this section, "online learning" has the same meaning as in section 3301.079 of the Revised Code.

(A) Any local, city, exempted village, or joint vocational school district, with approval of the superintendent of public instruction, may operate a school using an online learning model. If a school is operated using an online learning model or is to cease operating using an online learning model, the superintendent of the district shall notify the department of education of that fact not later than the first day of July of the school year for which the change is effective. If any school district school is currently operated using an online learning model on the effective date of this section, the superintendent of the district shall notify the department within sixty days after the effective date of this section of that fact and request that the school be classified as an online learning school.

(1) Districts shall assign all students engaged in online learning to a

single school which the department shall designate as a district online school.

(2) Districts shall provide all students engaged in online learning a computer, at no cost, for instructional use. Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use.

(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use.

(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of the effective date of this section.

(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record.

(B) The state board of education shall revise any operating standards for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following:

(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in online learning classrooms;

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery of knowledge or skills through competency-based learning models. Credits or grade level advancement shall not be based on a minimum number of days or hours in a classroom.

(3) Notwithstanding anything to the contrary in section 3313.48 of the Revised Code, a requirement that schools operating using an online learning model have an annual instructional calendar of not less than nine hundred ten hours.

(a) For funding purposes, the department shall reduce the full-time equivalence proportionally for any student in an online learning school who participates in less than nine hundred ten hours per school year. The department shall reduce state funding for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3304.24. Each October during national disability employment awareness month, the governor shall present an award to employers who meet the criteria for having a workplace inclusive of individuals with disabilities. The opportunities for Ohioans with disabilities agency shall determine the inclusive workplace criteria to be used to recommend employers for the award.

Sec. 3307.091. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the state teachers retirement board may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following:

(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually;

(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference:

(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted;

(b) That all votes taken at the meeting shall be taken by roll call vote;

(c) That a board member who intends to attend a meeting by means of

teleconference or video conference shall notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency as defined in the policy.

(B) Notwithstanding division (C) of section 121.22 of the Revised Code, a board member who attends a meeting by means of teleconference or video conference is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the meeting.

(C) At any meeting in which a board member attends by means of teleconference or video conference, the board shall ensure that the public can hear and, if the means of attendance technologically permits it, to observe, the discussions and deliberations of all the members of the board, whether the member is participating in person or electronically.

(D) Except as provided in this section, no person shall do any of the following:

(1) Limit the number of board members who may attend a meeting by means of teleconference or video conference;

(2) Limit the total number of meetings that the board may allow members to attend by means of teleconference or video conference;

(3) Limit the number of meetings at which any one board member may attend by means of teleconference or video conference;

(4) Impose other limits or obligations on a board member because the board member attends a meeting by means of teleconference or video conference.

Sec. 3307.31. (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under ~~section 3314.08~~ or Chapter 3317. of the Revised Code prior to its distribution to the individual school districts or community schools. The amount due from each school district or community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as may be determined by the state teachers retirement board.

The superintendent shall deduct, from the amount allocated to each district or community school under ~~section 3314.08~~ or Chapter 3317. of the Revised Code, the entire amounts due to the system from such district or school upon the certification to the superintendent by the secretary thereof.

The superintendent shall certify to the director of budget and management the amounts thus due the system for payment.

(B) Payments to the state teachers retirement system by a science,

technology, engineering, and mathematics school shall be deducted from the amount allocated under section ~~3326.33~~ 3317.022 of the Revised Code and shall be made in the same manner as payments by boards of education under this section.

Sec. 3309.51. (A) Each employer shall pay into the employers' trust fund, monthly or at such times as the school employees retirement board requires, an amount certified by the school employees retirement board, which shall be as required by Chapter 3309. of the Revised Code.

Payments by school district boards of education to the employers' trust fund of the school employees retirement system may be made from the amounts allocated under Chapter 3317. of the Revised Code prior to their distribution to the individual school districts. The amount due from each school district may be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as is determined by the school employees retirement board.

Payments by governing authorities of community schools to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under section ~~3314.08~~ 3317.022 of the Revised Code prior to their distribution to the individual community schools. The amount due from each community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

Payments by a science, technology, engineering, and mathematics school to the employers' trust fund of the school employees retirement system shall be made from the amounts allocated under section ~~3326.33~~ 3317.022 of the Revised Code prior to their distribution to the school. The amount due from a science, technology, engineering, and mathematics school shall be certified by the secretary of the school employees retirement system to the superintendent of public instruction monthly, or at such times as determined by the school employees retirement board.

(B) The superintendent shall deduct from the amount allocated to each community school ~~under section 3314.08 of the Revised Code~~, to each school district ~~under Chapter 3317. of the Revised Code~~, or to each science, technology, engineering, and mathematics school under ~~section 3326.33~~ Chapter 3317. of the Revised Code the entire amounts due to the school employees retirement system from such school or school district upon the certification to the superintendent by the secretary thereof.

(C) Where an employer fails or has failed or refuses to make payments to the employers' trust fund, as provided for under Chapter 3309. of the

Revised Code, or fails to pay any penalty imposed under section 3309.571 of the Revised Code the secretary of the school employees retirement system may certify to the state superintendent of public instruction, monthly or at such times as is determined by the school employees retirement board, the amount due from such employer, and the superintendent shall deduct from the amount allocated to the employer under ~~section 3314.08 or 3326.33~~ or Chapter 3317. of the Revised Code, ~~as applicable~~, the entire amounts due to the system from the employer upon the certification to the superintendent by the secretary of the school employees retirement system.

(D) The superintendent shall certify to the director of budget and management the amounts thus due the system for payment.

Sec. 3310.02. ~~(A)~~ The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section ~~3310.08~~ 3317.022 of the Revised Code ~~for up to the following number of eligible students:~~

- ~~(1) Thirty thousand in the 2011-2012 school year;~~
- ~~(2) Sixty thousand in the 2012-2013 school year and thereafter.~~

~~For any school year for which the number of applications for scholarships timely submitted for the program exceeds ninety per cent of the maximum number of scholarships permitted under division (A) of this section, the department shall increase the maximum number of scholarships permitted for the following school year by five per cent. The department shall make the increased number of scholarships available for each subsequent school year until the department is again required to increase the number of scholarships under division (A) of this section.~~

~~If the number of students who apply for a scholarship exceeds the maximum number of scholarships permitted under division (A) of this section, priority shall be given to those students applying for a scholarship under section 3310.03 of the Revised Code in accordance with division (B) of this section.~~

~~(B) The department shall award scholarships under section 3310.03 of the Revised Code in the following order of priority:~~

~~(1) First, to eligible students who received scholarships in the prior school year;~~

~~(2) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, who qualify under division (C) of section 3310.03 of the Revised Code. If the number of students described in division (B)(2) of this section who apply for a scholarship exceeds the~~

~~number of available scholarships after awards are made under division (B)(1) of this section, the department shall select students described in division (B)(2) of this section by lot to receive any remaining scholarships.~~

~~(3) Third, to other eligible students who qualify under division (C) of section 3310.03 of the Revised Code. If the number of students described in division (B)(3) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)(1) and (2) of this section, the department shall select students described in division (B)(3) of this section by lot to receive any remaining scholarships.~~

~~(4) Fourth, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B)(4) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)(1) to (3) of this section, the department shall select students described in division (B)(4) of this section by lot to receive any remaining scholarships.~~

~~(5) Fifth, to other eligible students who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in division (B)(5) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (B)(1) to (4) of this section, the department shall select students described in division (B)(5) of this section by lot to receive any remaining scholarships.~~

Sec. 3310.03. For the 2021-2022 school year and each school year thereafter, subject to division (G) of this section, a student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student satisfies one of the conditions in division (A), (B), or (C) of this section, and the student maintains eligibility to receive a scholarship under division (D) of this section.

However, any student who received a scholarship for the 2020-2021 school year under this section, as it existed prior to ~~the effective date of this amendment~~ March 2, 2021, shall continue to receive that scholarship until the student completes grade twelve, as long as the student maintains eligibility to receive a scholarship under division (D) of this section.

(A)(1) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district and to which both of the following apply:

(a) The building was ranked in the lowest twenty per cent of all buildings operated by city, local, and exempted village school districts according to performance index score as determined by the department of education, as follows:

(i) For a scholarship sought for the 2021-2022 or 2022-2023 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2017-2018 and 2018-2019 school years.

(ii) For a scholarship sought for the 2023-2024 school year, the building was ranked in the lowest twenty per cent of buildings for each of the ~~2020-2021~~2018-2019 and 2021-2022 school years.

(iii) For a scholarship sought for the 2024-2025 school year ~~or any school year thereafter~~, the building was ranked in the lowest twenty per cent of buildings for each of the 2021-2022 and 2022-2023 school years.

(iv) For a scholarship sought for the 2025-2026 school year or any school year thereafter, the building was ranked in the lowest twenty per cent of buildings for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A)(1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a

building described in division (A)(1) of this section.

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) A student is eligible for a scholarship if the student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(B) A student is eligible for a scholarship if the student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(C) A student is eligible for a scholarship if the student's resident district is subject to section 3302.10 of the Revised Code and the student either:

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.

(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (C) of this section.

(2) The student takes each assessment prescribed for the student's grade level under ~~sections~~ section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(E)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to ~~(4)(5)~~ of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to division (C) of this section with respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist.

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (D) of this section.

(F) The state board of education shall adopt rules defining excused absences for purposes of division (D)(3) of this section.

(G) Notwithstanding anything to the contrary in this section or section 3310.031 of the Revised Code, a student shall not be required to be enrolled or enrolling in a school building operated by the student's resident district or a community school in order to be eligible for a scholarship, as follows:

(1) For a scholarship sought for the 2021-2022 school year, a student entering any of grades kindergarten through two;

(2) For a scholarship sought for the 2022-2023 school year, a student entering any of grades kindergarten through four;

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six;

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight;

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve.

Sec. 3310.032. (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and the student's family income is at or below two hundred fifty per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section ~~3310.08~~ 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded ~~with appropriations made for that school year as authorized~~ by the general assembly ~~for this purpose~~.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships under this section in the prior school year;

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships.

(E) Subject to divisions (E)(1) to (3) of this section, a student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the student shall remain eligible for that scholarship for the current school year and subsequent school years even if the student's family income rises above the amount specified in division (A) of this section, provided the student remains enrolled in a chartered nonpublic school, however:

(1) If the student's family income is above two hundred fifty per cent but at or below three hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of seventy-five per cent of the full scholarship amount.

(2) If the student's family income is above three hundred per cent but at or below four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount.

(3) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an educational choice scholarship.

Sec. 3310.033. (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;

(b) A cousin by birth, marriage, or adoption who is residing in the same household;

(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;

(d) A child residing in the same household who is placed with a guardian or legal custodian;

(e) A child who is residing in the same household and is being cared for by a kinship caregiver;

(f) Any other child under eighteen years of age who has resided in the same household for at least forty-five consecutive days within the last calendar year.

(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place.

(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:

(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the school year immediately prior to the school year for which the student is seeking a scholarship;

(2) The student is a foster child;

(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;

(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;

(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;

(6) The student satisfies all of the following conditions:

(a) The student is not a foster child or a student described in division (B)(4) of this section.

(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.

(c) The student's parent or guardian resides in this state.

(7) The student is not a child described in division (B)(6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.

(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

(D) The department of education may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B)(6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.

Sec. 3310.034. (A) Notwithstanding anything in section 3310.03 of the Revised Code to the contrary, a student who is the recipient of an autism scholarship under section 3310.41 of the Revised Code or a Jon Peterson special needs scholarship under section 3310.52 of the Revised Code but who is no longer in need of special education and related services under Chapter 3323. of the Revised Code and, therefore, is no longer eligible to receive that scholarship may be considered an "eligible student" for purposes of the educational choice scholarship pilot program under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section.

(B) A student described in division (A) of this section who receives a scholarship under section 3310.03 of the Revised Code remains an eligible student and may continue to receive that scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Sec. 3310.035. (A) A student who is eligible for an educational choice scholarship under both sections 3310.03 and 3310.032 of the Revised Code, and applies for a scholarship for the first time after September 29, 2013, shall receive a scholarship under section 3310.03 of the Revised Code.

(B) A student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as:

~~(1) The number of students who apply for a scholarship does not exceed the number of scholarships available under division (A) of section 3310.02 of the Revised Code.~~

~~(2) A student who receives a scholarship under section 3310.03 of the~~

Revised Code satisfies with the conditions specified in divisions (D)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Sec. 3310.036. If a student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code for a school year as of the first day of February prior to that school year, that student's eligibility for a scholarship for that school year shall not change solely because, after the first day of February, the department of education changes the internal retrieval number of the school building in which the student is enrolled or would otherwise be assigned.

Sec. 3310.07. (A) Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the educational choice scholarship pilot program shall notify the department of education of the student's and parent's names and address, the chartered nonpublic school in which the student has been accepted for enrollment, and the tuition charged by the school.

(B) Not later than February 1, 2022, the department shall establish a system under which any parent, or any student who is at least eighteen years of age, may provide the department with a student's address and, not later than ten days after receiving the address, the department shall notify the parent, or student, using regular mail or electronic mail whether the student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A)(1) or (C) of section 3310.03 of the Revised Code shall submit to the department, in the manner prescribed by the department, the attendance zone for students assigned to that building.

Sec. 3310.10. A scholarship awarded under ~~section 3310.08~~ section 3310.03 or 3310.032 of the Revised Code may be used only to pay tuition to any chartered nonpublic school.

Sec. 3310.13. (A) No chartered nonpublic school shall charge any student whose family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, a tuition fee that is greater than the total amount paid for that student under ~~section 3310.08~~ 3317.022 of the Revised Code.

(B) A chartered nonpublic school may charge any other student who is

paid a scholarship under that section up to the difference between the amount of the scholarship and the regular tuition charge of the school. Each chartered nonpublic school may permit such an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship paid under section ~~3310.08~~ 3317.022 of the Revised Code.

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education in the manner prescribed by the department the following:

- (1) The number of students charged;
- (2) The average of the amounts charged to such students.

Sec. 3310.16. (A) For the 2020-2021 school year and each school year thereafter, the department of education shall accept, process, and award scholarships each year for the educational choice scholarship pilot program under sections 3310.03 and 3310.032 of the Revised Code, as follows:

~~(A) A priority application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days. The department shall award scholarships under this division not later than the thirtieth day of June prior to the first day of July of the school year for which a scholarship is sought.~~

~~(B) The department shall continue to award scholarships after the priority application period closes. If the department awards a scholarship after the beginning of the school year, the department shall prorate the amount of the scholarship based on how much of the school year remains. The department shall continue to award income-based scholarships under section 3310.032 of the Revised Code only so long as funds appropriated by the general assembly for such scholarships for that school year remain available.~~

(1) The application period shall open on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the amount of the awarded scholarship based on how much of the school year remains.

- (2) In each school year, the department of education shall accept

applications for conditional approval of a scholarship sought for that year or the next school year. Not later than five days after receiving an application under this division, the department of education shall grant conditional approval to an applicant who is eligible for a scholarship and notify the applicant whether or not conditional approval is granted. The department of education shall award a scholarship to a student with an application that receives conditional approval, provided that both of the following apply:

(a) The student enrolls in a chartered nonpublic school that enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code not later than one year after receiving conditional approval.

(b) The student does not change addresses after receiving conditional approval under this division and prior to enrolling in a chartered nonpublic school described in division (A)(3)(a) of this section.

(B) If the department determines an application submitted under this section contains an error or deficiency, the department shall notify the applicant who submitted that application not later than fourteen days after the application is submitted.

(C) The departments of education, job and family services, and taxation shall enter into a data sharing agreement so that, in administering this section, the department of education shall be able to determine, based on the address provided in a student's application, whether that student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code and whether the student meets the residency requirements for an educational choice scholarship under section 3310.032 of the Revised Code.

(D) No city, local, or exempted village school district shall have access to an application submitted under this section.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Formula ADM" ~~and "category six special education ADM"~~ have ~~has~~ the same ~~meanings meaning~~ as in section 3317.02 of the Revised Code.

(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised

Code.

(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency.

~~(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.~~

~~(7)~~ "Qualified special education child" is a child for whom all of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

~~(8)(7)~~ "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

~~(9)(8)~~ "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is

operated by an alternative public provider or by a registered private provider, and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program but are associated with educating the child. Upon agreement with the parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. ~~Each scholarship shall be in an amount not to exceed the lesser of the tuition charged for the child by the special education program or twenty-seven thousand dollars.~~ The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized and any other services agreed to by the provider and the parent of a qualified special education child. The services provided under the scholarship shall include an educational component or services designed to assist the child to benefit from the child's education.

A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the state board shall prohibit a parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this section so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child.

Except for development of the child's individualized education program, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, as defined in section 3323.01 of the Revised Code, if different, are not obligated to

provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the autism scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

~~(C)(1)(C)~~ As prescribed in divisions division (A)(2)(h), ~~(B)(3)(g), and (B)(10)~~ of section 3317.03 of the Revised Code, a child who is not a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the formula ADM ~~and the category six special education ADM~~ of the district in which the child is entitled to attend school and not in the formula ADM ~~and the category six special education ADM~~ of any other school district. ~~As prescribed in divisions (B)(3)(h) and (B)(10) of section 3317.03 of the Revised Code, a child who is a preschool child with a disability for whom a scholarship is awarded under this section shall be counted in the preschool scholarship ADM and category six special education ADM of the school district in which the child is entitled to attend school and not in the preschool scholarship ADM or category six special education ADM of any other school district.~~

~~(2) In each fiscal year, the department shall deduct from the amounts paid to each school district under Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships awarded under this section for qualified special education children included in the formula ADM, or preschool scholarship ADM, and in the category six special education ADM of that school district as provided in division (C)(1) of this section.~~

~~The scholarships deducted shall be considered as an approved special education and related services expense of the school district.~~

~~(3) From time to time, the department shall make a payment to the parent of each qualified special education child for whom a scholarship has been awarded under this section. The scholarship amount shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The department shall make no~~

~~payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.~~

(D) A scholarship shall not be paid under section 3317.022 of the Revised Code to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," a "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code, a "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code, or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3310.411. Any registered private provider approved to participate

in the autism scholarship program and any of its employees shall be subject to a criminal records check as specified in sections 109.57 and 109.572 of the Revised Code. The registered private provider shall submit the results of any records checks to the department of education. The department shall use the information submitted to enroll the individual for whom a records check is completed in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code:

(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child:

(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;

(2) A public entity other than a school district.

(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible applicant" means any of the following:

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed

under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a ~~caregiver~~ caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" ~~and "formula amount"~~ have has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either:

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;

(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.

(5) The department of education has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.

(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.

(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.

(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(J) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(K) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

Sec. 3310.52. (A) The Jon Peterson special needs scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year, subject to division (B) of this section, the department of education annually shall pay a scholarship under section 3317.022 of the Revised Code to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Beginning in the 2014-2015 school year, if the child is ~~in category one as that term is defined in division (B)(1) of section 3310.56 of the Revised Code~~ receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) The department shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child, unless the parent authorizes a direct payment to the child's provider, upon application of that parent in the manner prescribed by the department. However, the department shall not adopt specific dates for application deadlines for scholarships under the program.

Sec. 3310.54. A qualified special education child in any of grades kindergarten through twelve for whom a scholarship is awarded under the Jon Peterson special needs scholarship program shall be counted in the formula ADM ~~and category one through six special education ADM, as appropriate,~~ of the school district in which the child is entitled to attend school. A qualified special education child shall not be counted in the formula ADM ~~or category one through six special education ADM~~ of any other school district.

~~Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.~~

~~The department shall proportionately reduce the scholarship amount in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.~~

In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments under section 3317.022 of the Revised Code to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

Sec. 3310.62. (A) A scholarship under the Jon Peterson special needs scholarship program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending.

(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of

the child, of administrative or judicial mediation or proceedings with respect to any of those subsequent individualized education programs do not affect the applicant's and the child's continued eligibility for scholarship payments.

(C) In the case of any child for whom a scholarship has been awarded, if the school district in which the child is entitled to attend school has agreed to provide some services for the child under an agreement entered into with the eligible applicant or with the alternative public provider or registered private provider implementing the child's individualized education program, or if the district is required by law to provide some services for the child, including transportation services under sections 3310.60 and 3327.01 of the Revised Code, the district shall not discontinue the services it is providing pending completion of any administrative proceedings regarding those services. The prosecuting, by the eligible applicant on behalf of the child, of administrative proceedings regarding the services provided by the district does not affect the applicant's and the child's continued eligibility for scholarship payments.

(D) The department of education shall continue to make payments to the eligible applicant under section ~~3310.57~~ 3317.022 of the Revised Code while either of the following are pending:

(1) Administrative or judicial mediation or proceedings with respect to a subsequent individualized education program for the child referred to in division (B) of this section;

(2) Administrative proceedings regarding services provided by the district under division (C) of this section.

Sec. 3310.70. (A) A student is an "eligible student" for purposes of this section if the student is at least six but no more than eighteen years old and the student's family income is at or below three hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code.

(B)(1) There is hereby established the afterschool child enrichment (ACE) educational savings account program. Not later than thirty days after the effective date of this section, the department of education shall adopt emergency rules under Chapter 119. of the Revised Code that prescribe procedures for the establishment of these accounts for fiscal years 2022 and 2023 upon the request of the parent or guardian of an eligible student enrolled in a public or nonpublic school or an eligible student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code. Accounts shall be established on a first-come, first-served basis according to the availability of funds appropriated for purposes of this section.

(2) Not later than one hundred twenty days after the effective date of this section, the department shall create an online form for parents and guardians to request the establishment of an account under this section.

(C)(1) The department shall contract with a vendor for purposes of administering the provisions of this section and may contract with the treasurer of state for technical assistance. In selecting a vendor, the department shall give preference to those vendors who use a smart phone application that is free for parents or guardians to use, is capable of scanning receipts, allows users to provide program feedback, and includes customer service contact information for parents and guardians who experience technical issues with the application. For fiscal year 2022 or fiscal year 2023, the department shall pay the vendor not more than three per cent of the amount appropriated for that fiscal year for purposes of this section.

(2) The vendor selected by the department under division (C)(2) of this section shall do both of the following:

(a) Monitor how accounts are used by parents or guardians and recoup moneys that are used for purposes that are not authorized by this section as determined by the vendor;

(b) Provide the department with a comprehensive list of purchases made with accounts.

(3) At no time shall the vendor authorize parents or guardians to use moneys for purposes that are not authorized by this section as determined by the vendor. If the vendor authorizes parents or guardians to use moneys for a specified purpose and later determines that purpose is not authorized by this section, the vendor may recoup that money.

(D)(1) If a parent or guardian makes a request under division (B) of this section during fiscal year 2022, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2022, for use in accordance with division (E) of this section.

(2) If a parent or guardian makes a request under division (B) of this section during fiscal year 2023, five hundred dollars shall be credited to the account established pursuant to the parent's or guardian's request within fourteen days of the parent's or guardian's request, and that amount shall be disbursed upon request to the parent or guardian not later than June 30, 2023, for use in accordance with division (E) of this section.

(E) Subject to division (F) of this section, moneys credited to an education savings account established under division (B) of this section shall be used by an eligible student's parent or guardian for any of the

following purposes, whether secular or nonsecular:

- (1) Before- or after-school educational programs;
- (2) Day camps, including camps for academics, music, and arts;
- (3) Tuition at learning extension centers;
- (4) Tuition for learning pods;
- (5) If the student has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, purchase of curriculum and materials;
- (6) Educational, learning, or study skills services;
- (7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;
- (8) Language classes;
- (9) Instrument lessons;
- (10) Tutoring.

(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.

(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.

(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.

Sec. 3311.741. (A) This section applies only to a municipal school district in existence on July 1, 2012.

(B) Not later than December 1, 2012, the board of education of each municipal school district to which this section applies shall submit to the superintendent of public instruction an array of measures to be used in evaluating the performance of the district. The measures shall assess at least overall student achievement, student progress over time, the achievement and progress over time of each of the applicable categories of students described in division (F) of section 3302.03 of the Revised Code, and college and career readiness. The state superintendent shall approve or disapprove the measures by January 15, 2013. If the measures are disapproved, the state superintendent shall recommend modifications that will make the measures acceptable.

(C) Beginning with the 2012-2013 school year, the board annually shall establish goals for improvement on each of the measures approved under

division (B) of this section. The school district's performance data for the 2011-2012 school year shall be used as a baseline for determining improvement.

(D) Not later than October 1, 2013, and by the first day of October each year thereafter, the board shall issue a report describing the school district's performance for the previous school year on each of the measures approved under division (B) of this section and whether the district has met each of the improvement goals established for that year under division (C) of this section. The board shall provide the report to the governor, the superintendent of public instruction, and, in accordance with section 101.68 of the Revised Code, the general assembly.

~~(E) Not later than November 15, 2017, the superintendent of public instruction shall evaluate the school district's performance based on the measures approved under division (B) of this section and shall issue a report to the governor and general assembly.~~

Sec. 3312.01. (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools.

It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.

(B) The educational regional service system shall consist of the following:

(1) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;

(2) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;

(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.

(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:

- (1) Assistance in improving student performance;
- (2) Services to enable a school district or school to operate more efficiently or economically;
- (3) Professional development for teachers or administrators;
- (4) Assistance in the recruitment and retention of teachers and administrators;
- (5) Applying for any state or federal grant on behalf of a school district;
- (6) Any other educational, administrative, or operational services.

In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.

Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.

(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.

(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

(F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.

Sec. 3313.411. (A) As used in this section:

(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code.

(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(5) "Unused school facilities" means any either:

(a) Any real property that has been used by a school district for school

operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for one year;

(b) Any school building that has been used for direct academic instruction but less than sixty per cent of the building was used for that purpose in the preceding school year.

(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(2) At the same time that a district board makes the offer required under division (B)(1) of this section, the board also may, but shall not be required to, offer that property for sale or lease to the governing authorities of community schools with plans, stipulated in their contracts entered into under section 3314.03 of the Revised Code, either to relocate their operations to the territory of the district or to add facilities, as authorized by division (B)(3) or (4) of section 3314.05 of the Revised Code, to be located within the territory of the district.

(C)(1) If, not later than sixty days after the district board makes the offer, only one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the district board shall sell the property to that party for the appraised fair market value of the property as determined in an appraisal of the property that is not more than one year old.

If, not later than sixty days after the district board makes the offer, more than one governing authority of a high-performing community school offered the property under division (B) of this section notifies the district treasurer in writing of the intention to purchase the property pursuant to that division, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the governing authorities of high-performing

community schools that notified the district treasurer of the intention to purchase the property pursuant to division (B) of this section are eligible to bid at the auction. The district board is not obligated to accept any bid for the property that is lower than the appraised fair market value of the property as determined in an appraisal that is not more than one year old.

(2) If, not later than sixty days after the district board makes the offer, no governing authority of a high-performing community school notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division.

If more than one such entity notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the board shall conduct a public auction in the manner required for auctions of district property under division (A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction.

(3) If more than one governing authority of a high-performing community school notifies the district treasurer in writing of the intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those governing authorities the one qualified governing authority to which the district board shall lease the property.

If no such governing authority of a high-performing community school notifies the district treasurer of its intention to lease the property pursuant to division (B) of this section, the board shall then proceed with the offers from all other start-up community schools, college-preparatory boarding schools, and STEM schools made pursuant to that division. If more than one other start-up community school, college-preparatory boarding school, or STEM school notified the district treasurer of its intention to lease the property pursuant to division (B) of this section, the district board shall conduct a lottery to select from among those parties the one qualified party to which the district board shall lease the property.

(4) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other

entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

Sec. 3313.48. (A) The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. Each school so provided and each chartered nonpublic school shall be open for instruction with pupils in attendance, including scheduled classes, supervised activities, and approved education options but excluding lunch and breakfast periods and extracurricular activities, for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in section 3321.05 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year, which may include all of the following:

(1) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for the purpose of individualized parent-teacher conferences and reporting periods;

(2) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for professional meetings of teachers;

(3) Morning and afternoon recess periods of not more than fifteen

minutes duration per period for pupils in grades kindergarten through six.

(B) Not later than thirty days prior to adopting a school calendar, the board of education of each city, exempted village, and local school district shall hold a public hearing on the school calendar, addressing topics that include, but are not limited to, the total number of hours in a school year, length of school day, and beginning and end dates of instruction.

(C) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year that the school is scheduled to be open for instruction from the number of hours per year the school was open for instruction during the previous school year unless the reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under division (A) of this section.

(D) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in career-technical education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01 of the Revised Code. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the

operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under section 3327.01 of the Revised Code and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic schools. The governing authority of a chartered nonpublic school shall consult with each school district board of education that transports students to the chartered nonpublic school under section 3327.01 of the Revised Code prior to making any change in the hours or days in which the nonpublic school is open for instruction.

(G) The state board of education shall not adopt or enforce any rule or standard that imposes on chartered nonpublic schools the procedural requirements imposed on school districts by divisions (B), (C), (D), and (E) of this section.

Sec. 3313.488. (A) Within fifteen days after the date the state board of education issues an order under section 3313.487 of the Revised Code making a school district subject to this section, the district's board of education shall prepare a fiscal statement of expenses and expenditures for the remainder of the current fiscal year. The fiscal statement shall be submitted to the superintendent of public instruction and shall set forth all revenues to be received by the district during the remainder of the fiscal year and their sources, the expenses to be incurred by the district during the remainder of the fiscal year, the outstanding and unpaid expenses at the time the fiscal statement is prepared and the date or dates by which such expenses must be paid, and such other information as the superintendent requires to enable the superintendent to ensure that during the remainder of the fiscal year, the district will not incur any expenses that will further impair its ability to operate an instructional program that meets or exceeds the minimum standards of the state board of education and requirements of the Revised Code during the current and ensuing fiscal years with the revenue available to it from existing revenue sources. The fiscal statement shall be presented in such detail and form as the superintendent prescribes. Beginning the tenth day after the fiscal statement is submitted and for the remainder of the fiscal year, the board shall not make any expenditure of money, make any employment, purchase, or rental contract, give any order

involving the expenditure of money, or increase any wage or salary schedule unless the superintendent of public instruction has approved the fiscal statement in writing and the expenditure, contract, order, or schedule has been approved in writing by the superintendent as being in conformity with the fiscal statement.

Any contract or expenditure made, order given, or schedule adopted or put into effect without the written approval of the superintendent of public instruction is void, and no warrant shall be issued in payment of any amount due thereon.

(B) A board of education subject to division (A) of this section shall prepare a fiscal statement of expenses and expenditures for the ensuing fiscal year. The fiscal statement shall be submitted to the superintendent of public instruction and shall set forth all revenues to be received by the district during such year and their source, the expenses to be incurred by the district during such year, the outstanding and unpaid expenses on the first day of such fiscal year, the date or dates by which such expenses must be paid, and such other information as the superintendent requires to enable the superintendent to ensure that during such year, the district will not incur any expenses that will further impair its ability to operate an instructional program that meets or exceeds the minimum standards of the state board of education and requirements of the Revised Code during such year with the revenue available to it from existing revenue sources. The fiscal statement shall be presented at the time and in such detail and form as the superintendent prescribes. During the fiscal year following the year in which a board of education first becomes subject to division (A) of this section it shall not make any expenditure of money, make any employment, purchase, or rental contract, give any order involving the expenditure of money, or increase any wage or salary schedule unless the superintendent of public instruction has approved the fiscal statement submitted under this division in writing and has approved the expenditure, contract, order, or schedule in writing as being in conformity with the fiscal statement.

Any contract or expenditure made, order given, or schedule adopted or put into effect without the written approval of the superintendent of public instruction is void, and no warrant shall be issued in payment of any amount due thereon.

(C) The state board of education shall examine any fiscal statement presented to and approved by the superintendent of public instruction under division (B) of this section and shall determine whether the data set forth in the fiscal statement are factual and based upon assumptions that in its judgment are reasonable expectations consistent with acceptable

governmental budget and accounting practices. If the state board so determines and finds that the revenues and expenditures in the fiscal statement are in balance for the fiscal year and the fiscal statement will enable the district to operate during such year without interrupting its school calendar, it shall certify its determination and finding to the district at least thirty days prior to the beginning of the fiscal year, and the district shall thereupon cease to be subject to this section. If the state board does not make such a determination and finding, the board of education and school district are subject to this division and division (B) of this section in the ensuing fiscal year and each fiscal year thereafter until the state board makes a determination, finding, and certification under this division.

(D) Any officer, employee, or other person who knowingly expends or authorizes the expenditure of any public funds or knowingly authorizes or executes any contract, order, or schedule contrary to division (A) or (B) of this section or who knowingly expends or authorizes the expenditure of any public funds on any such void contract, order, or schedule is jointly and severally liable in person and upon any official bond that the officer, employee, or other person has given to such school district to the extent of any payments on the void claim, not to exceed twenty thousand dollars. The attorney general at the written request of the superintendent of public instruction shall enforce this liability by civil action brought in any court of appropriate jurisdiction in the name of and on behalf of the school district.

~~(E) During each month that a board of education is subject to division (A), (B), or (C) of this section, the superintendent of public instruction shall submit a report to the speaker of the house of representatives and the president of the senate on the financial condition of the school district. The report shall contain the date by which the superintendent anticipates the district will cease to be subject to such divisions, the district's plans for becoming exempt from such section, and such other information the superintendent determines appropriate or the speaker of the house of representatives or president of the senate requests.~~

~~In addition to the other reports required under this division, on the thirty first day of each school district fiscal year following a fiscal year in which a school district first becomes subject to this section, the superintendent shall submit a written report to the speaker of the house of representatives and the president of the senate. The report shall include recommendations to the general assembly for strengthening the financial condition of school districts based upon the experiences of the superintendent and the state board in exercising their powers under this section and sections 3313.483 and 3313.487 of the Revised Code.~~

~~(F)~~ This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy

relationships.

In order to assist school districts in developing a dating violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the principal, within a reasonable period of time after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(g) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(h) Beginning with the first day of the next school year that begins at least two years after ~~the effective date of this amendment~~ March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention;

(i) Beginning with the first day of the next school year that begins at least two years after ~~the effective date of this amendment~~ March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion.

For the instruction required under divisions (A)(5)(h) and (i) of this section, the board shall use a training program approved by the department of education under section 3301.221 of the Revised Code.

Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A)(5)(h) and (i) of this section.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised

Code when offered in any of grades nine through twelve, safety, and fire prevention. However, upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section, basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The ~~curriculum~~ curricula for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

- (1) Any survey or questionnaire, prior to its administration to the child;
- (2) Any textbook, workbook, software, video, or other instructional

materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3313.603. (A) As used in this section:

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Elective units, seven units until September 15, 2003, and six units thereafter.

Each student's electives shall include at least one unit, or two half units,

chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as follows:

- (1) English language arts, four units;
- (2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;
- (3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.

For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.

- (4) Physical education, one-half unit;
- (5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:
 - (a) Physical sciences, one unit;
 - (b) Life sciences, one unit;
 - (c) Advanced study in one or more of the following sciences, one unit:
 - (i) Chemistry, physics, or other physical science;
 - (ii) Advanced biology or other life science;
 - (iii) Astronomy, physical geology, or other earth or space science;
 - (iv) Computer science.

No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

- (a) American history, one-half unit;
 - (b) American government, one-half unit.
- (7) Social studies, two units.

Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.

(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of the opportunities they pursue after graduation. The goal of Ohio's system of elementary and secondary education is to prepare all students for and seamlessly connect all students to success in life beyond high school graduation, regardless of whether the next step is entering the workforce, beginning an apprenticeship, engaging in post-secondary training, serving in the military, or pursuing a college degree.

The requirements for graduation prescribed in division (C) of this section are the standard expectation for all students entering ninth grade for the first time at a public or chartered nonpublic high school on or after July 1, 2010. A student may satisfy this expectation through a variety of methods, including, but not limited to, integrated, applied, career-technical, and traditional coursework.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging academic endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for Ohio's students, families, and the state. The state board and the chancellor of higher education shall develop policies to ensure that only in rare instances will students who complete the requirements for graduation prescribed in division (C) of this section require academic remediation after high school.

School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers.

(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied:

(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural

requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer science;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.

~~The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later~~

~~than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.~~

(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:

(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;

(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section;

(3) That no exception comparable to that provided in division (D) of this section is available.

If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort

age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student's matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising.

(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families.

Divisions (F)(8) and (9) of this section apply only to waivers granted on or after July 1, 2015.

If the department does not act either to grant the waiver or to reject the

program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school transcript all high school credit awarded under division (G) of this section. In addition, if the student completed a seventh- or eighth-grade fine arts course described in division (K) of this section and the course qualified for high school credit under that division, the high school shall record that course on the student's high school transcript.

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the state board has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any

school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum, assessments, or the awarding of a high school diploma.

(J)(1) The state board, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. The state board shall adopt the plan not later than March 31, 2009, and commence phasing in the plan during the 2009-2010 school year. The plan shall include a standard method for recording demonstrated proficiency on high school transcripts. Each school district and community school shall comply with the state board's plan adopted under this division and award units of high school credit in accordance with the plan. The state board may adopt existing methods for earning high school credit based on a demonstration of subject area competency as necessary prior to the 2009-2010 school year.

(2) Not later than December 31, 2015, the state board shall update the statewide plan adopted pursuant to division (J)(1) of this section to also include methods for students enrolled in seventh and eighth grade to meet curriculum requirements based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. Beginning with the 2017-2018 school year, each school district and community school also shall comply with the updated plan adopted pursuant to this division and permit students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency in accordance with the plan.

(3) Not later than December 31, 2017, the department shall develop a framework for school districts and community schools to use in granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education. Beginning with the 2018-2019 school year, each district and community school shall comply with the framework. Each district and community school also shall review any policy it has adopted regarding the demonstration of subject area competency to identify ways to incorporate work-based learning experiences, internships, and cooperative education into the policy in order to increase student engagement and opportunities to earn units of high school credit.

(K) This division does not apply to students who qualify for graduation from high school under division (D) or (F) of this section, or to students pursuing a career-technical instructional track as determined by the school

district board of education or the chartered nonpublic school's governing authority. Nevertheless, the general assembly encourages such students to consider enrolling in a fine arts course as an elective.

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, each student enrolled in a public or chartered nonpublic high school shall complete two semesters or the equivalent of fine arts to graduate from high school. The coursework may be completed in any of grades seven to twelve. Each student who completes a fine arts course in grade seven or eight may elect to count that course toward the five units of electives required for graduation under division (C)(8) of this section, if the course satisfied the requirements of division (G) of this section. In that case, the high school shall award the student high school credit for the course and count the course toward the five units required under division (C)(8) of this section. If the course in grade seven or eight did not satisfy the requirements of division (G) of this section, the high school shall not award the student high school credit for the course but shall count the course toward the two semesters or the equivalent of fine arts required by this division.

(L) Notwithstanding anything to the contrary in this section, the board of education of each school district and the governing authority of each chartered nonpublic school may adopt a policy to excuse from the high school physical education requirement each student who, during high school, has participated in interscholastic athletics, marching band, show choir, or cheerleading for at least two full seasons or in the junior reserve officer training corps for at least two full school years. If the board or authority adopts such a policy, the board or authority shall not require the student to complete any physical education course as a condition to graduate. However, the student shall be required to complete one-half unit, consisting of at least sixty hours of instruction, in another course of study. In the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

- (1) The Declaration of Independence;
- (2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to satisfy curriculum requirements under that division, the courses shall be sequential and progressively more difficult or cover different subject areas within computer science.

Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section

3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading.

(iv) The student previously was retained in any of grades kindergarten to three.

(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three.

(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers.

(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it

annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students in grades one to three, and by the ~~first day of November~~ twentieth day of instruction of the school year for students in kindergarten. Each district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The assessment may be administered electronically using live, two-way video and audio connections whereby the teacher administering the assessment may be in a separate location from the student.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and

monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

- (i) Small group instruction;
- (ii) Reduced teacher-student ratios;
- (iii) More frequent progress monitoring;
- (iv) Tutoring or mentoring;
- (v) Transition classes containing third and fourth grade students;
- (vi) Extended school day, week, or year;
- (vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and

classroom teacher in developing the plan. The plan shall include all of the following:

- (1) Identification of the student's specific reading deficiencies;
- (2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;
- (3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;
- (4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;
- (5) A reading curriculum during regular school hours that does all of the following:
 - (a) Assists students to read at grade level;
 - (b) Provides scientifically based and reliable assessment;
 - (c) Provides initial and ongoing analysis of each student's reading progress.
- (6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if

available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students under this section shall meet the following conditions:

(1) The remediation methods are based on reliable educational research.

(2) The school districts conduct assessment before and after students participate in the program to facilitate monitoring results of the remediation services.

(3) The parents of participating students are involved in programming decisions.

(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.

(G) This section does not create a new cause of action or a substantive legal right for any person.

(H)(1) Except as provided under divisions (H)(2), (3), and (4) of this section, each student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with a major in reading.

(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first

time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section

3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the applicable school year. The department may grant extensions valid through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all staffing plans and report to the state board not later than the thirtieth day of June of each year the progress of school districts and community schools in meeting the requirements of this section.

(K) The department of education shall designate one or more staff members to provide guidance and assistance to school districts and community schools in implementing the third grade guarantee established by this section, including any standards or requirements adopted to implement the guarantee and to provide information and support for reading instruction and achievement.

Sec. 3313.6011. (A) As used in this section, "sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(B) Instruction in venereal disease education pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code shall emphasize that abstinence from sexual activity is the only protection that is one hundred per cent effective against unwanted pregnancy, sexually transmitted disease, and the sexual transmission of a virus that causes acquired immunodeficiency syndrome.

~~(C) In adopting minimum standards under section 3301.07 of the Revised Code, the state board~~(1) The department of education shall require course material and instruction in venereal disease education courses taught pursuant to division (A)(5)(c) of section 3313.60 of the Revised Code to do all of the following:

~~(1)(a)~~(a) Stress that students should abstain from sexual activity until after marriage;

~~(2)(b)~~(b) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;

~~(3)(c)~~(c) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;

~~(4)(d)~~(d) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;

~~(5)(e)~~(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

~~(6)(f)~~(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;

~~(7)(g)~~(g) Emphasize adoption as an option for unintended pregnancies.

(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section.

(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian.

~~(D) Any model education program for health education the state board of education adopts shall conform to the requirements of this section. The state board of education shall not adopt a separate model education program for health education.~~

(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) of section 3313.60 of the Revised Code. The department shall publish the findings of each audit not later than one hundred twenty days after the start of the school year. The department shall include in the

findings of each audit the name of any organization or program that provided materials to a school district regarding venereal disease instruction. The department's findings shall be prominently posted on its web site.

~~On and after March 18, 1999, and notwithstanding section 3302.07 of the Revised Code, the (F) The superintendent of public instruction shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section or of any rule adopted by the state board of education pursuant to this section.~~

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

- (1) The college credit plus program established under Chapter 3365. of the Revised Code;
- (2) Advanced placement courses;
- (3) International baccalaureate diploma courses;
- (4) Early college high school programs.

(B) Each city, local, exempted village, and joint vocational school district and each chartered nonpublic high school shall provide students enrolled in grades nine through twelve with the opportunity to participate in an advanced standing program. For this purpose, each school district and chartered nonpublic high school shall offer at least one advanced standing program in accordance with division (B)(1) or (2) of this section, as applicable.

(1) A city, local, or exempted village school district meets the requirements of this division through its mandatory participation in the college credit plus program established under Chapter 3365. of the Revised Code. However, a city, local, or exempted village school district may offer any other advanced standing program, in addition to the college credit plus program, and each joint vocational school district shall offer at least one other advanced standing program, to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education.

(2) A chartered nonpublic high school that elects to participate in the college credit plus program established under Chapter 3365. of the Revised

Code meets the requirements of this division. Each chartered nonpublic high school that elects not to participate in the college credit plus program instead shall offer at least one other advanced standing program to students in good standing, as defined by the partnership for continued learning under section 3301.42 of the Revised Code as it existed prior to October 16, 2009, or as subsequently defined by the department of education.

(C) Each school district and each chartered nonpublic high school, at least annually, shall provide information about the advanced standing programs offered by the district or school to all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F)(2) of this section and is approved by the superintendent of public instruction and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described

under this section.

(F) As used in this section:

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;

(b) Students who are economically disadvantaged, as defined by the department of education;

(c) Students whose parents did not earn a college degree.

Sec. 3313.6026. (A) As used in this section, "school governing authority" means any of the following:

(1) The governing authority of a community school established under Chapter 3314. of the Revised Code;

(2) The governing body of a STEM school established under Chapter 3326. of the Revised Code;

(3) The board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(4) The governing authority of a chartered nonpublic school.

(B) Each school district board of education and each school governing authority that operates a high school shall enter into a data sharing agreement with the chancellor of higher education for the purposes of operating the free application for federal student aid data system established under section 3333.301 of the Revised Code. Each school district or school shall provide principals and school counselors with access to the data system to assist with efforts to support and encourage students to complete the free application for federal student aid form.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high

school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with rules of the state board, by any such district board to anyone who accomplishes all of the following:

(1) Successfully completes the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person

either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed under section 3313.618 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the requirements prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any district board administering any of the assessments required by section 3301.0710 of the Revised Code to any person requesting to take such assessment pursuant to division (B)(8)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if the person attains at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments administered and if the person has previously attained the applicable scores on all the other assessments required by division (B)(1) of that section or has been exempted or excused from attaining the applicable score on any such assessment

pursuant to division (H) or (L) of this section or from taking any such assessment pursuant to section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools, and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.

(E) A person who is a resident of Ohio and is eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of a correctional institution operated by the state or any political subdivision thereof, shall be granted such diploma by the correctional institution operating the programs in which such credits were earned, and by the board of education of the school district in which the inmate resided immediately prior to the inmate's placement in the institution. The diploma granted by the correctional institution shall be signed by the director of the institution, and by the person serving as principal of the institution's high school and shall bear the date of issue.

(F) Persons who are not residents of Ohio but who are inmates of correctional institutions operated by the state or any political subdivision thereof, and who are eligible under state board of education minimum standards to receive a high school diploma based in whole or in part on credits earned while an inmate of the correctional institution, shall be granted a diploma by the correctional institution offering the program in which the credits were earned. The diploma granted by the correctional institution shall be signed by the director of the institution and by the person serving as principal of the institution's high school and shall bear the date of issue.

(G) The state board of education shall provide by rule for the administration of the assessments required by sections 3301.0710 and 3301.0712 of the Revised Code to inmates of correctional institutions.

(H) Any person to whom all of the following apply shall be exempted from attaining the applicable score on the assessment in social studies designated under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board under division (D)(3) of section 3301.0712 of the Revised Code, or the test in citizenship designated under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September

11, 2001:

- (1) The person is not a citizen of the United States;
- (2) The person is not a permanent resident of the United States;
- (3) The person indicates no intention to reside in the United States after the completion of high school.

(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3313.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

~~(L)~~(L)(1) Any student described by division (A)(1) of this section who is subject to divisions (A)(1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the ~~requirement~~requirements prescribed by ~~section 3313.618 of the Revised Code~~ those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required by division (C)(1) of section 3301.0711 of the Revised Code, for the purpose of assessing student progress as required by federal law.

- (2) Any student described by division (A)(1) of this section who is

subject to division (B) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirement prescribed by division (B)(1) of that section provided the student's individualized education program specifically exempts the student from meeting that requirement and either division (L)(2)(a) or (b) of this section applies to the student, as follows:

(a)(i) The student took an alternate assessment in mathematics and English language arts administered to the student in accordance with division (C)(1) of section 3301.0711 of the Revised Code and failed to attain a score established by the state board on one or both assessments.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the established score and the student received that support.

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.

(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.

Sec. 3313.618. (A) In addition to the curriculum requirements specified by the board of education of a school district or governing authority of a chartered nonpublic school, each student entering ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019, shall satisfy at least one of the following conditions or the conditions prescribed under division (B) of this section in order to qualify for a high school diploma:

(1) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on each of the nationally standardized assessments in English, mathematics, and reading;

(2) Attain a score specified under division (B)(5)(c) of section 3301.0712 of the Revised Code on the end-of-course examinations prescribed under division (B) of section 3301.0712 of the Revised Code.

(3) Attain a score that demonstrates workforce readiness and employability on a nationally recognized job skills assessment selected by

the state board of education under division (G) of section 3301.0712 of the Revised Code and obtain either an industry-recognized credential or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

For the purposes of this division, the industry-recognized credentials and licenses shall be as approved under section 3313.6113 of the Revised Code.

A student may choose to qualify for a high school diploma by satisfying any of the separate requirements prescribed by divisions (A)(1) to (3) of this section. If the student's school district or school does not administer the examination prescribed by one of those divisions that the student chooses to take to satisfy the requirements of this section, the school district or school may require that student to arrange for the applicable scores to be sent directly to the district or school by the company or organization that administers the examination.

(B) In addition to the curriculum requirements specified by the district board or school governing authority, each student entering ninth grade for the first time on or after July 1, 2019, shall satisfy the following conditions in order to qualify for a high school diploma:

(1) ~~Attain~~ Except as otherwise provided in division (D) of this section, attain a competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on each of the Algebra I and English language arts II end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code.

School districts and chartered nonpublic schools shall offer remedial support to any student who fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations.

Following the first administration of the exam, if a student fails to attain a competency score on one or both of the Algebra I and English language arts II end-of-course examinations that student must retake the respective examination at least once.

If a student fails to attain a competency score on a retake examination, the student may demonstrate competency in the failed subject area through one of the following options:

(a) Earn course credit taken through the college credit plus program established under Chapter 3365. of the Revised Code in the failed subject area;

(b) Complete two of the following options, one of which must be foundational:

(i) Foundational options to demonstrate competency, which include

earning a cumulative score of proficient or higher on three or more state technical assessments aligned with section 3313.903 of the Revised Code in a single career pathway, obtaining an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is at least equal to the total number of points established under that section to qualify for a high school diploma, obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license, completing a pre-apprenticeship ~~or~~ aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field, completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field, or providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older;

(ii) Supporting options to demonstrate competency, which include completing two hundred fifty hours of a work-based learning experience with evidence of positive evaluations, obtaining an OhioMeansJobs-readiness seal under section 3313.6112 of the Revised Code, or attaining a workforce readiness score, as determined by the department of education, on the nationally recognized job skills assessment selected by the state board under division (G) of section 3301.0712 of the Revised Code.

(c) Provide evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

(d) Be remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment.

~~For~~ Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed under division

(A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(C) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) of this section in order to qualify for a high school diploma under that division. However, any such student who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B)(1)(a) to (d) of this section.

(D) A chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be considered to have demonstrated competency for the purposes of division (B)(1) of this section if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination under this section.

(E) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.619. (A) In lieu of the ~~requirement~~ assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on

an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school from granting a high school diploma to a student if the student satisfies the ~~requirement~~ applicable requirements prescribed by section 3313.618 of the Revised Code.

Sec. 3313.6113. (A) The superintendent of public instruction, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under ~~division (A)(3)~~ of section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. The state superintendent shall appoint the members of the committee not later than January 1, 2018.

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;

(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;

(3) Review and update the list of industry-recognized credentials and licenses at least biennially;

(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that a student must earn to qualify for a high school diploma under sections 3313.618 and 3313.6114 of the Revised Code.

(C) For the purposes of calculating the percentage of students prescribed under divisions (B)(2)(d) and (C)(2)(e) of section 3302.03 of the Revised

Code, the department of education shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points established by the committee under this section to qualify for a high school diploma.

Sec. 3313.6114. (A) The state board of education shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.

(C) The state board shall establish all of the following state diploma seals:

(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by ~~earning~~ doing either of the following:

(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is aligned both of the following:

(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;

(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.

(b) Obtaining a license approved under section 3313.6113 of the Revised Code that is issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license.

(2) A college-ready seal. A student shall meet the requirement for this seal by attaining a score that is remediation-free, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division

(B)(1) of section 3301.0712 of the Revised Code.

(3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following:

(a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code;

(b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code.

(4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations;

(c) ~~Attaining~~ In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in ~~appropriate~~ either:

(i) An American history course and an American government course that are offered by the student's high school;

(ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the American history and American government end-of-course examinations.

(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the state board on the alternate assessment in social studies;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or who enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in courses that correspond with the American history and American government end-of-course examinations and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered,

nontax-supported school. Division (C)(4)(e) of this section does not apply to any such student with respect to an American history or American government course for which an end-of-course examination is associated that the student takes after enrolling in the high school.

(5) A science seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on the science end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code;

(b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination in lieu of the science end-of-course examination;

(c) ~~Attaining~~ In lieu of the science end-of-course examination, attaining a final course grade that is the equivalent of a "B" or higher in an either:

(i) A science course listed in divisions (C)(5)(c)(i) to (iii) of section 3313.603 of the Revised Code that is offered by the student's high school;

(ii) An appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code in lieu of the science end-of-course examination.

(d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the state board on the alternate assessment in science;

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C)(5)(e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal

by doing any of the following:

(a) Subject to division (B)(5)(d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination;

(b) Attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course taken through the college credit plus program established under Chapter 3365. of the Revised Code;

(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department.

(d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school.

(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority.

(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority.

(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority.

~~(D)~~(1) Each district or school shall develop guidelines for at least one of the state seals prescribed under divisions (C)(8) to (10) of this section.

(2) For the purposes of determining whether a student who transfers to a district or school has satisfied the state diploma seal requirement under division (B)(2) of section 3313.618 of the Revised Code, each district or

school shall recognize a state diploma seal prescribed under divisions (C)(8) to (10) of this section and earned by a student at another district or a different public or chartered nonpublic school regardless of whether the district or school to which the student transfers has developed guidelines under this section for that state seal.

(3) In guidelines developed for a state diploma seal prescribed under divisions (C)(8) to (10) of this section, each district or school shall include a method to give, to the extent feasible, a student who transfers into the district or school a proportional amount of credit for any progress the student was making toward earning that state seal at the school district or different public or chartered nonpublic school from which the student transfers.

(E) Each district or school shall maintain appropriate records to identify students who have met the requirements prescribed under division (C) of this section for earning the state seals established under that division.

(F) The department shall prepare and deliver to each district or school an appropriate mechanism for assigning a state diploma seal established under division (C) of this section.

(G) A student shall not be charged a fee to be assigned a state seal prescribed under division (C) of this section on the student's diploma and transcript.

Sec. 3313.63. Boards of education may dismiss the schools under their control on the first day of January, the third Monday in January, the third Monday in February, the day designated in the "Act of June 28, 1968," 82 Stat. 250, 5 U.S.C. 6103, as amended, for the commemoration of Memorial day, the nineteenth day of June, the fourth day of July, the first Monday in September, the second Monday in October, the eleventh day of November, or the succeeding Monday when that day falls on a Sunday, the fourth Thursday in November, and the twenty-fifth day of December, on any day set apart by proclamation of the president of the United States or the governor of this state as a day of fast, thanksgiving, or mourning, or on the days approved by the board for teachers' attendance at an educational meeting.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than

the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as

applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the

district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division

(A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit

with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed

ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended

school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child

while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division ~~(H)~~ (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (C) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the

district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment.

Sec. 3313.6412. Notwithstanding anything to the contrary in section 3313.6410 of the Revised Code, no student enrolled in an internet- or computer-based school shall be subject to automatic withdrawal who, in any school year prior to the 2020-2021 school year, failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code.

Sec. 3313.713. (A) As used in this section:

(1) "Drug" means a drug, as defined in section 4729.01 of the Revised Code, that is to be administered pursuant to the instructions of the prescriber, whether or not required by law to be sold only upon a prescription.

(2) "Federal law" means the "Individuals with Disabilities Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended.

(3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, and joint vocational school district and the governing authority of each chartered nonpublic school shall adopt a policy on the authority of its employees, when acting in situations other than those governed by sections 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, and 3313.7115 of the Revised Code, to administer drugs prescribed to students enrolled in the schools of the district or the chartered nonpublic school. The policy shall provide either that:

(1) Except as otherwise required by federal law, no person employed by the board or governing authority shall, in the course of such employment, administer any drug prescribed to any student enrolled in the schools of the district or the chartered nonpublic school.

(2) Designated persons employed by the board or governing authority are authorized to administer to a student a drug prescribed for the student. Effective July 1, 2011, only employees of the board or governing authority who are licensed health professionals, or who have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the board or governing authority, may administer to a student a drug prescribed for the student. Except as otherwise provided by federal law, the board's or governing authority's policy may provide that certain drugs or types of drugs shall not be administered or that no employee shall use certain procedures, such as injection, to administer a drug to a student.

(C) No drug prescribed for a student shall be administered pursuant to federal law or a policy adopted under division (B) of this section until the following occur:

(1) The board or governing authority, or a person designated by the board or governing authority, receives a written request, signed by the parent, guardian, or other person having care or charge of the student, that the drug be administered to the student.

(2) The board or governing authority, or a person designated by the board or governing authority, receives a statement, signed by the prescriber,

that includes all of the following information:

- (a) The name and address of the student;
- (b) The school and class in which the student is enrolled;
- (c) The name of the drug and the dosage to be administered;
- (d) The times or intervals at which each dosage of the drug is to be administered;
- (e) The date the administration of the drug is to begin;
- (f) The date the administration of the drug is to cease;
- (g) Any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in an emergency;
- (h) Special instructions for administration of the drug, including sterile conditions and storage.

(3) The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber to the board or governing authority or a person designated by the board or governing authority if any of the information provided by the prescriber pursuant to division (C)(2) of this section changes.

(4) The person authorized by the board or governing authority to administer the drug receives a copy of the statement required by division (C)(2) or (3) of this section.

(5) The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist.

(6) Any other procedures required by the board or governing authority are followed.

(D) If a drug is administered to a student, the board of education or governing authority of the chartered nonpublic school shall acquire and retain copies of the written requests required by division (C)(1) and the statements required by divisions (C)(2) and (3) of this section and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received. The board or governing authority, or a person designated by the board or governing authority, shall establish a location in each school building for the storage of drugs to be administered under this section and federal law. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.

(E) No person who has been authorized by a board of education or

governing authority of a chartered nonpublic school to administer a drug and has a copy of the most recent statement required by division (C)(2) or (3) of this section given to the person in accordance with division (D) of this section prior to administering the drug is liable in civil damages for administering or failing to administer the drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.

(F) A board of education or governing authority of a chartered nonpublic school may designate a person or persons to perform any function or functions in connection with a drug policy adopted under this section either by name or by position, training, qualifications, or similar distinguishing factors.

(G) A policy adopted by a board of education or governing authority of a chartered nonpublic school pursuant to this section may be changed, modified, or revised by action of the board or the governing authority.

(H) Nothing in this section shall be construed to require a person employed by a board of education or governing authority of a chartered nonpublic school to administer a drug to a student unless the board's or governing authority's policy adopted in compliance with this section establishes such a requirement. A board or governing authority shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Nothing in this section affects the application of section 2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, 3313.7113, or 3313.7115 of the Revised Code to the administration of emergency care or treatment to a student.

Nothing in this section affects the ability of a public or nonpublic school to participate in a school-based fluoride mouth rinse program established by the director of health pursuant to section 3701.136 of the Revised Code. Nothing in this section affects the ability of a person who is employed by, or who volunteers for, a school that participates in such a program to administer fluoride mouth rinse to a student in accordance with section 3701.136 of the Revised Code and any rules adopted by the director under that section.

(I) Nothing in this section shall be construed to require a school district or chartered nonpublic school to obtain written authorization or instructions from a health care provider to apply nonprescription topical ointments designed to prevent sunburn. Furthermore, nothing in this section shall be construed to prohibit a student to possess and self-apply nonprescription topical ointment designed to prevent sunburn while on school property or at a school-sponsored event without written authorization or instructions from

a healthcare provider. The policy adopted by a school district or chartered nonpublic school pursuant to this section shall not require written authorization from a health care provider, but may require parental authorization, for the possession or application of such sunscreen. A designated person employed by the board of education of a school district or governing authority of a chartered nonpublic school shall apply sunscreen to a student in accordance with the school district's or governing authority's policy upon request.

Sec. 3313.842. (A) The boards of education or governing authorities of any two or more school districts or community schools may enter into an agreement for joint or cooperative establishment and operation of any educational program including any class, course, or program that may be included in a school district's or community school's graded course of study and staff development programs for teaching and nonteaching school employees. Each school district or community school that is party to such an agreement may contribute funds of the district or school in support of the agreement and for the establishment and operation of any educational program established under the agreement. The agreement shall designate one of the districts or community schools as responsible for receiving and disbursing the funds contributed by the parties to the agreement.

(B) Notwithstanding sections 3313.48 and 3313.64 of the Revised Code, any school district that is party to an agreement for joint or cooperative establishment and operation of an educational program may charge fees or tuition for students who participate in the program and are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code. Except as otherwise provided in division (G) of section 3321.01 of the Revised Code, no community school that is party to the agreement shall charge fees or tuition for students who participate in the program and are reported by the school under division ~~(B)(2)(B)~~ of section 3314.08 of the Revised Code.

Sec. 3313.902. (A) As used in this section:

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.

(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.

(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.

(4) An eligible student's "career pathway training program amount"

means the following:

(a) If the student is enrolled in a tier one career pathway training program, \$4,800;

(b) If the student is enrolled in a tier two career pathway training program, \$3,200;

(c) If the student is enrolled in a tier three career pathway training program, \$1,600.

(5) "Eligible institution" means any of the following:

(a) A community college established under Chapter 3354. of the Revised Code;

(b) A technical college established under Chapter 3357. of the Revised Code;

(c) A state community college established under Chapter 3358. of the Revised Code;

(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.

(6) "Eligible student" means an individual who is at least ~~twenty-two~~ twenty years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.

(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.

(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.

(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.

(10) An eligible student's "work readiness training amount" means the following:

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500.

(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750.

(B) The adult diploma pilot program is hereby established to permit an eligible institution to obtain approval from the superintendent of public instruction and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:

(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section while also completing requirements for an approved industry credential or certificate.

(2) The program includes career advising and outreach.

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the approved program of study, as determined by the department.

(3) Of the amount paid to an approved institution under division (D)(2)

of this section, the institution may use the amount that is in addition to the student's career pathway training amount and the student's work readiness training amount for the associated services of the approved program of study. These services include counseling, advising, assessment, and other services as determined or required by the department.

(4) If the superintendent and the chancellor determine that it is appropriate for an entity other than the department to make full or partial payments for an eligible student under division (D)(2) of this section, that entity shall make those payments and the department shall not make those payments.

(E) The superintendent, in consultation with the chancellor, shall adopt rules for the implementation of the adult diploma pilot program, including all of the following:

(1) The requirements for applying for program approval;

(2) The requirements for obtaining a high school diploma through the program, including the requirement to obtain a passing score on an assessment that is appropriate for the career pathway training program that is being completed by the eligible student, and the date on which these requirements take effect;

(3) The assessment or assessments that may be used to complete the assessment requirement for each career pathway training program under division (E)(2) of this section and the score that must be obtained on each assessment in order to pass the assessment;

(4) Guidelines regarding the funding of the program under division (D) of this section, including a method of funding for students who transfer from one approved institution to another approved institution prior to completing an approved program of study;

(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section;

(7) The payment of federal funds that are to be used by approved programs of study at approved institutions.

Sec. 3313.905. (A) Southern state community college shall establish and maintain, for a period of five years, the Ohio code-scholar pilot program to address technical workforce needs.

(B) Not later than July 31, 2021, southern state community college shall

appoint a program coordinator who shall be responsible for all of the following, as well as any other responsibilities as determined by the southern state community college board of trustees:

(1) Form a coalition and act as the liaison between southern state community college and the coalition to develop the pilot program.

The coalition shall include members from the following:

(a) The department of education;

(b) Educators in grades kindergarten through twelve;

(c) Career technical education staff;

(d) Educational service center staff;

(e) Representatives of post-secondary institutions in the areas in which the pilot program is operating;

(f) Federally and state-funded research organizations, as determined by the southern state community college board of trustees and the program coordinator;

(g) Local businesses in the areas in which the pilot program is operating, as determined by the southern state community college board of trustees and the program coordinator.

(2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows:

(a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences;

(b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing.

(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;

(4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties:

(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties;

(b) Brown county;

(c) Pike county.

(5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;

(6) Determine the manner in which to incorporate the college credit plus

program as established under Chapter 3365. of the Revised Code within the pilot program:

(7) In collaboration with the designated department, advisor, and instructor, as appointed by southern state community college, develop a system for the articulation of credits earned under the pilot program and align them into a for-credit program at southern state community college:

(8) Act as fiscal operator of the pilot program.

(C) Upon completion of the pilot program, southern state community college, in collaboration with the program coordinator, shall submit a full report and any legislative recommendations to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding the outcomes of the pilot program.

Sec. 3313.974. As used in this section and in sections 3313.975 to 3313.979 of the Revised Code:

(A) "Individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code.

~~(B) "Mainstreamed student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students.~~

~~(C)~~ "Separately educated student with a disability" means a child with a disability who has an individualized education program providing for the student to spend at least half of each school day in a class or setting separated from nondisabled students.

~~(D)~~(C) "Low-income family" means a family whose income is below the level which the superintendent of public instruction shall establish.

~~(E)~~(D) "Parent" has the same meaning as in section 3313.98 of the Revised Code.

~~(F)~~(E) "Registered private school" means a school registered with the superintendent of public instruction pursuant to section 3313.976 of the Revised Code.

~~(G)~~(F) "Alternative school" means a registered private school located in a school district or a public school located in an adjacent school district.

~~(H)~~(G) "Tutorial assistance" means instructional services provided to a student outside of regular school hours approved by the commission on school choice pursuant to section 3313.976 of the Revised Code.

Sec. 3313.975. As used in this section and in sections 3313.976 to 3313.979 of the Revised Code, "the pilot project school district" or "the district" means any school district included in the pilot project scholarship program pursuant to this section.

(A) The superintendent of public instruction shall establish a pilot project scholarship program and shall include in such program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the state superintendent. The program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district.

(B) The state superintendent shall establish an application process and deadline for accepting applications from students residing in the district to participate in the scholarship program. In the initial year of the program students may only use a scholarship to attend school in grades kindergarten through third.

The state superintendent shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program.

(C)(1) The pilot project program shall continue in effect each year that the general assembly has appropriated sufficient money to fund scholarships and tutorial assistance grants. In each year the program continues, new students may receive scholarships in grades kindergarten to twelve. A student who has received a scholarship may continue to receive one until the student has completed grade twelve.

(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The state superintendent shall continue to make scholarship payments in accordance with ~~division (A) or (B) of section 3313.979~~ 3317.022 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due

to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section ~~3313.979~~ 3317.022 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements:

(1) The school offers any of grades kindergarten through twelve and either:

(a) ~~Offers any of grades kindergarten through twelve and is~~ located within the boundaries of the pilot project school district;

(b) ~~Offers any of grades nine through twelve and is~~ located within the boundaries of a city, local, or exempted village school district that is both:

(i) Located in a municipal corporation with a population of fifteen thousand or more;

(ii) Located within five miles of the border of the pilot project school district.

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;

(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;

(4) The school does not discriminate on the basis of race, religion, or ethnic background;

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;

(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;

(7) The school does not provide false or misleading information about

the school to parents, students, or the general public;

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2)~~ ~~of that section.~~

(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2)~~ ~~of that section.~~ The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services.

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division ~~(C)(1)(A)(11)(a)~~ of section ~~3313.978~~ 3317.022 of the Revised Code, excluding any increase described in that division ~~(C)(2)~~ ~~of that section.~~

(11) It annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code.

(d) The student is excused from taking the assessment prescribed under

division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section ~~3313.979~~ 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through twelve.

The state superintendent shall provide information about the scholarship program to all students residing in the district; and shall accept applications from any such students during the application ~~periods~~ period established under division (H) of this section; ~~and shall establish criteria for the selection of students to receive scholarships from among all those applying prior to the deadline, which criteria shall give preference to students from low income families. The state superintendent shall notify students of their selection prior to a date established by the state superintendent.~~

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, ~~at any time before the beginning of the school year,~~ of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

(2) A student may decide to utilize a pilot project scholarship at a registered private school in the district if all of the following conditions are met:

(a) ~~By the fifteenth day of February of the preceding school year, or at any time prior to the start of the school year, the~~ The parent makes an

application on behalf of the student to a registered private school.

(b) The registered private school notifies the parent and the state superintendent as follows that the student has been admitted:

~~(i) By the fifteenth day of March of the preceding school year if the student filed an application by the fifteenth day of February and was admitted by~~ By the school pursuant to division (A) of section 3313.977 of the Revised Code;

~~(ii) Within one week of the decision to admit the student if the student is admitted~~ By the school pursuant to division (C) of section 3313.977 of the Revised Code.

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

~~(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or four thousand six hundred fifty dollars.~~

~~In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or six thousand dollars.~~

~~The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to~~

~~which the family is entitled.~~

~~(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.~~

~~(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:~~

~~(a)(1) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;~~

~~(b)(2) In fiscal year 2007 and thereafter, four hundred dollars.~~

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the

manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to the student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (E) of this section to any person except as provided by law.

(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

(G)(1) The department annually shall compile the scores attained by scholarship students enrolled in registered private schools on the assessments administered to the students pursuant to division (A)(11) of section 3313.976 of the Revised Code. The scores shall be aggregated as follows:

(a) By school district, which shall include all scholarship students residing in the pilot project school district who are enrolled in a registered private school and were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code;

(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) of section 3313.976 of the Revised Code.

(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:

(a) Grade level;

(b) Race and ethnicity;

(c) Gender;

(d) Students who have participated in the scholarship program for three or more years;

(e) Students who have participated in the scholarship program for more

than one year and less than three years;

(f) Students who have participated in the scholarship program for one year or less;

(g) Economically disadvantaged students.

(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.

(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.

~~(H)(1) Except as provided in division (H)(2) of this section, for scholarships awarded the 2020-2021 school year and for each school year thereafter, the department shall conduct two application periods each year for the pilot project scholarship program, as follows:~~

~~(a) The first application period shall open not sooner than the first day of February prior to the first day of July of the school year for which a scholarship is sought and run not less than seventy-five days.~~

~~(b) The second application period shall open not sooner than the first day of July of the school year for which the scholarship is sought and run not less than thirty days.~~

~~(2) If the pilot scholarships awarded in the first application period for any school year use the entirety of the amount appropriated by the general assembly for such scholarships for that school year, the department need not conduct a second application period for scholarships. If, after the first application period, there are funds remaining to award, the department shall conduct a second application period in accordance with division (H)(1)(b) of this section.~~

~~(3) Not later than the thirty-first day of May of each school year, the department shall determine whether funds remain available for scholarships~~

~~under the pilot project scholarship program after the first application period.~~

~~(4) For scholarships awarded for any school year prior to the 2020-2021 school year, the state superintendent shall establish a deadline for a single application period.~~

(H) The department shall open the application period on the first day of February prior to the first day of July of the school year for which a scholarship is sought. Not later than forty-five days after an applicant submits to the department of education a completed application, the department of education shall determine whether that applicant is eligible for a scholarship and notify the applicant whether or not the applicant is eligible. The department of education shall award a scholarship to each student with an approved application. However, for any application submitted after the beginning of the school year, the department of education shall prorate the amount of the awarded scholarship based on how much of the school year remains.

~~Sec. 3313.979. Each scholarship to be used for payments to a registered private school is payable to the parents of the student entitled to the scholarship. Each scholarship to be used for payments to a public school in an adjacent school district is payable to the school district of attendance by the superintendent of public instruction. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.~~

~~(A)(1)~~ By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the state superintendent of:

~~(a)(1)~~ The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month;

~~(b)(2)~~ The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division ~~(A)(1)(A)~~ of this section.

~~(2) From time to time, the state superintendent shall make a payment to the parent of each student entitled to a scholarship. Each payment shall include for each student reported under division (A)(1) of this section a portion of the scholarship amount specified in divisions (C)(1) and (2) of section 3313.978 of the Revised Code. This amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered~~

~~private school for the entire school year.~~

~~(3) The first payment under this division shall be made by the last day of November and shall equal one third of the estimated total amount that will be due to the parent for the school year pursuant to division (A)(2) of this section.~~

~~(B) The state superintendent, on behalf of the parents of a scholarship student enrolled in a public school in an adjacent school district pursuant to section 3327.06 of the Revised Code, shall make the tuition payments required by that section to the school district admitting the student, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount provided in divisions (C)(1) and (2) of section 3313.978 of the Revised Code.~~

~~(C) Whenever an approved provider provides tutorial assistance to a student, the state superintendent shall pay the approved provider for such costs upon receipt of a statement specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any approved provider under this division for all provider services to any individual student in any school year shall not exceed the grant amount provided in division ~~(C)(3)~~(C) of section 3313.978 of the Revised Code.~~

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:

(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:

(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.

(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive

parents of the student, "parent" means the legal custodian of the child.

(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

~~(6) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~

~~(7)~~ "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

~~(8)~~(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

~~(9)~~(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

~~(10)~~(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

~~(11)~~(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this

section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education

adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract.

(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district.

Sec. 3313.981. (A) The state board of education shall adopt rules requiring all of the following:

(1) The board of education of each city, exempted village, and local school district to annually report to the department of education all of the following:

(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;

(e) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in section 3317.014 of the Revised Code;

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the end of each reporting period specified in section 3317.03 of the Revised Code, the superintendent of each city, local, or exempted village school district that admits adjacent district or other district students who are in grades kindergarten through twelve, adjacent district or other district students who are preschool children with disabilities, or adjacent district or other district joint vocational students in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code to report to the department of education each adjacent or other district's students and where those students who are enrolled in the superintendent's district under the policy are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent or other district or as an adjacent district or other district joint vocational student.

(B) From the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~all of the following:~~

~~(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;~~

~~(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~

~~(3) For each of the district's native students reported under division (A)(1)(d) or (2)(b) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full-time equivalency basis;~~

~~(4) For, for each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.~~

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add ~~all of the following:~~

~~(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades kindergarten through twelve enrolled in the district, as reported under division (A)(1) of this section;~~

~~(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students in grades kindergarten through twelve, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;~~

~~(3) For each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(d) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full-time equivalency basis;~~

~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the formula amount;~~

~~(5) For, for~~ each adjacent district or other district student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in the district, \$4,000.

~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~

~~(1) The formula amount;~~

~~(2) The per pupil amount for each of the students reported pursuant to division (A)(2)(b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career technical category, on a full-time equivalency basis.~~

~~(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:~~

~~(a) Subtract the formula amount from the actual costs to educate the student;~~

~~(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter~~

~~3317. of the Revised Code to provide special education and related services to the student.~~

~~(2) The board shall report the excess costs computed under this division to the department of education.~~

~~(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.~~

~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its enrollment certified under section 3317.03 of the Revised Code.~~

~~(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's enrollment certified under section 3317.03 of the Revised Code.~~

~~(H)~~(E) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3314.013. (A) Until ~~the sixty first day after the effective date of this amendment~~ May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and ~~the sixty first day after the effective date of this amendment~~ May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an

internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until ~~the sixty first day after the effective date of this amendment~~ May 22, 2013.

(B)(1) Beginning on ~~the later of July 1, 2013, or the sixty first day after the effective date of this amendment~~, up to five new internet- or computer-based community schools may open each year, subject to approval of the superintendent of public instruction under division (B)(2) of this section.

(2) The superintendent of public instruction shall approve applications for new internet- or computer-based community schools from only those applicants demonstrating experience and quality.

The state board of education shall adopt rules prescribing measures to determine experience and quality of applicants in accordance with Chapter 119. of the Revised Code. The measures shall include, but not be limited to, the following considerations:

- (a) The sponsor's experience with online schools;
- (b) The operator's experience with online schools;
- (c) The sponsor's and operator's previous record for student performance;
- (d) A preference for operators with previous experience in Ohio.

The state board shall adopt the rules so that they are effective ~~not later than the sixty first day after the effective date of this amendment~~ May 22, 2013.

(3) The department of education shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the superintendent has approved or disapproved the school's application to open for the 2013-2014 school year not later than July 1, 2013, ~~or the sixty first day after the effective date of this amendment~~, ~~if such date occurs after July 1, 2013~~. Notwithstanding the dates prescribed for adoption and signing on sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A)(25) of section 3314.03 of the Revised Code, a new

internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B)(1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period.

(C) Nothing in ~~divisions~~ division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

~~(D) Not later than July 1, 2012, the director of the governor's office of 21st century education and the superintendent of public instruction shall develop standards for the operation of internet or computer-based community schools. The director shall submit those standards to the speaker of the house of representatives and the president of the senate for consideration of enactment by the general assembly.~~

Sec. 3314.016. This section applies to any entity that sponsors a community school, regardless of whether section 3314.021 or 3314.027 of the Revised Code exempts the entity from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code. The office of Ohio school sponsorship established under section 3314.029 of the Revised Code shall be rated under division (B) of this section, but divisions (A) and (C) of this section do not apply to the office.

(A) An entity that sponsors a community school shall be permitted to enter into contracts under section 3314.03 of the Revised Code to sponsor additional community schools only if the entity meets all of the following criteria:

(1) The entity is in compliance with all provisions of this chapter requiring sponsors of community schools to report data or information to the department of education.

(2) The entity is not rated as "ineffective" under division (B)(6) of this section.

(3) Except as set forth in sections 3314.021 and 3314.027 of the Revised Code, the entity has received approval from and entered into an agreement with the department of education pursuant to section 3314.015 of the

Revised Code.

(B)(1) The department shall develop and implement an evaluation system that annually rates and assigns an overall rating to each entity that sponsors a community school. The department, not later than the first day of February of each year, shall post on the department's web site the framework for the evaluation system, including technical documentation that the department intends to use to rate sponsors for the next school year. The department shall solicit public comment on the evaluation system for thirty consecutive days. Not later than the first day of April of each year, the department shall compile and post on the department's web site all public comments that were received during the public comment period. The evaluation system shall be posted on the department's web site by the fifteenth day of July of each school year. Any changes to the evaluation system after that date shall take effect the following year. The evaluation system shall be based on the following components:

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in

division (A)(4)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system.

The department shall publish the ratings between the first day of October and the fifteenth day of November.

Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by division (B)(1) of this section. If the sponsor believes there is an error in the department's evaluation, the sponsor may request adjustments to the rating

of any of those components based on documentation previously submitted as part of an evaluation. The sponsor shall provide to the department any necessary evidence or information to support the requested adjustments. The department shall review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If any adjustments to the data could result in a change to the rating on the applicable component or to the overall rating, the department shall recalculate the ratings prior to publication.

The department shall provide training on an annual basis regarding the evaluation system prescribed under this section. The training shall, at a minimum, describe methodology, timelines, and data required for the evaluation system. The first training session shall occur not later than March 2, 2016. Beginning in 2018, the training shall be made available to each entity that sponsors a community school by the fifteenth day of July of each year and shall include guidance on any changes made to the evaluation system.

(7)(a) Entities with an overall rating of "exemplary" for ~~at least the two consecutive~~ most recent years in which the entity was evaluated may take advantage of the following incentives:

(i) Renewal of the written agreement with the department, not to exceed ten years, provided that the entity consents to continued evaluation of adherence to quality practices as described in division (B)(1)(b) of this section;

(ii) The ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the department;

(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;

(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

An entity may continue to sponsor any community schools with which it entered into agreements under division (B)(7)(a)(v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.

(b) Entities with an overall rating of "exemplary" or "effective" for ~~at least~~ the three consecutive most recent years in which the entity was evaluated shall be evaluated by the department once every three years.

(c)(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the state board of education shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the state board of education shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from community schools that primarily serve students enrolled in a dropout prevention and recovery program.

(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be

void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division ~~(B)(7)(b)~~~~(B)(7)(c)~~ or ~~(e)(d)~~ of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code.

Sec. 3314.017. (A) The state board of education shall prescribe by rules, adopted in accordance with Chapter 119. of the Revised Code, an academic performance rating and report card system that satisfies the requirements of this section for community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)(4)(a) of section 3314.35 of the Revised Code, to be used in lieu of the system prescribed under sections 3302.03 and 3314.012 of the Revised Code beginning with the 2012-2013 school year. Each such school shall comply with the testing and reporting requirements of the system as prescribed by the state board.

(B) Nothing in this section shall at any time relieve a school from its obligations under the "No Child Left Behind Act of 2001" to make "adequate yearly progress," as both that act and that term are defined in section 3302.01 of the Revised Code, or a school's amenability to the provisions of section 3302.04 or 3302.041 of the Revised Code. The

department of education shall continue to report each school's performance as required by the act and to enforce applicable sanctions under section 3302.04 or 3302.041 of the Revised Code.

(C) The rules adopted by the state board shall prescribe the following performance indicators for the rating and report card system required by this section:

(1) Graduation rate for each of the following student cohorts:

(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;

(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;

(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.

(D)(1) The state board's rules shall prescribe the expected performance

levels and benchmarks for each of the indicators prescribed by division (C) of this section based on the data gathered by the department under division (G) of this section. Based on a school's level of attainment or nonattainment of the expected performance levels and benchmarks for each of the indicators, the department shall rate each school in one of the following categories:

(a) Exceeds standards;

(b) Meets standards;

(c) Does not meet standards.

(2) The state board's rules shall establish all of the following:

(a) Not later than June 30, 2013, performance levels and benchmarks for the indicators described in divisions (C)(1) to (3) of this section;

(b) Not later than December 31, 2014, both of the following:

(i) Performance levels and benchmarks for the indicator described in division (C)(4) of this section;

(ii) Standards for awarding a community school described in division (A)(4)(a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:

(I) Thirty per cent of the score shall be based on the indicators described in division (C)(1) of this section that are applicable to the school year for which the overall designation is granted.

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section.

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section.

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section.

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."

The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:

(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section;

(d) Annual measurable objectives described in division (C)(3) of this section.

(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code:

(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;

(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;

(d) Both of the following without an assigned rating:

(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;

(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.

(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:

(a) The graduation rates as described in division (C)(1) of this section;

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;

(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to

(c) of this section;

(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;

(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.

The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.

(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies.

(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division.

The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of those states in developing the system required by this section.

(H) Not later than December 31, 2014, the state board shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E)(3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after ~~the effective date of this amendment~~ July 18, 2019.

~~(J) The state board shall coordinate a study committee consisting of one member of the Ohio senate appointed by the president of the senate, one~~

~~member of the Ohio house of representatives appointed by the speaker of the house of representatives, one representative of the governor's office, one school district superintendent appointed by the state board, and one chief administrator of a community school appointed by the state board. This committee shall conduct a study regarding the classification, authorization, and report card ratings of community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)(4)(a) of section 3314.35 of the Revised Code that offer two or more of the following educational models:~~

~~(1) Blended learning, as that term is defined in section 3301.079 of the Revised Code;~~

~~(2) Portfolio learning, as defined by the members of the committee;~~

~~(3) Credit flexibility, which permits credits to be awarded based on a student's demonstration of subject area competency.~~

~~The state board, on behalf of the committee, shall submit the committee's recommendations to the general assembly in accordance with section 101.68 of the Revised Code not later than six months after the effective date of this amendment.~~

Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means the board of education of a school district or the governing board of an educational service center that agrees to the conversion of all or part of a school or building under division (B) of this section, or an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools or is exempted by section 3314.021 or 3314.027 of the Revised Code from obtaining approval, and with which the governing authority of a community school enters into a contract under section 3314.03 of the Revised Code.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities unless a student receives career-technical education under section 3314.086 of the Revised Code.

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

(8) "Operator" or "management company" means either of the

following:

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority;

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised Code, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(4) The sponsor of a conversion community school proposed to open in an alliance municipal school district shall be subject to approval by the department of education for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

Division (B)(4) of this section does not apply to a sponsor that, on or

before September 29, 2015, was exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code.

(5) A school established in accordance with division (B) of this section that later enters into a sponsorship contract with an entity that is not a school district or educational service center shall, at the time of entering into the new contract, be deemed a community school established in accordance with division (C) of this section.

(C)(1) Any Provided all other conditions of sponsorship and governance are satisfied, any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district regardless of the school's proposed location. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center, regardless of the location of the proposed school, may sponsor a new start-up school ~~in any challenged school district in the state~~ if all of the following are satisfied:

(i) If applicable, it satisfies the requirements of division (E) of section 3311.86 of the Revised Code;

(ii) It is approved to do so by the department;

(iii) It enters into an agreement with the department under section 3314.015 of the Revised Code.

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group, provided that entity has been approved by and entered into a written agreement with the department pursuant to section 3314.015 of the Revised Code.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to

the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district described in either division (A)(3)(b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school or educational service center building to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.016 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the person serving on the governing authority.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals.

(2)(a) No person shall serve on the governing authority or operate the community school under contract with the governing authority under any of the following circumstances:

(i) The person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(ii) The person would otherwise be subject to division (B) of section 3319.31 of the Revised Code with respect to refusal, limitation, or revocation of a license to teach, if the person were a licensed educator.

(iii) The person has pleaded guilty to or been convicted of theft in office

under section 2921.41 of the Revised Code, or has pleaded guilty to or been convicted of a substantially similar offense in another state.

(b) No person shall serve on the governing authority or engage in the financial day-to-day management of the community school under contract with the governing authority unless and until that person has submitted to a criminal records check in the manner prescribed by section 3319.39 of the Revised Code.

(c) Each sponsor of a community school shall annually verify that a finding for recovery has not been issued by the auditor of state against any individual or individuals who propose to create a community school or any member of the governing authority, the operator, or any employee of each community school with responsibility for fiscal operations or authorization to expend money on behalf of the school.

(3) No person shall serve on the governing authorities of more than five start-up community schools at the same time unless both of the following apply:

(a) The person serves in a volunteer capacity and receives no compensation under division (E)(5) of this section from any governing authority on which the person serves.

(b) For any school that has an operator, the operator is a nonprofit organization.

(4)(a) For a community school established under this chapter that is not sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall be an owner, employee, or consultant of the community school's sponsor or operator, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(b) For a community school established under this chapter that is sponsored by a school district or an educational service center, no present or former member, or immediate relative of a present or former member, of the governing authority shall:

(i) Be an officer of the district board or service center governing board that serves as the community school's sponsor, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority;

(ii) Serve as an employee of, or a consultant for, the department, division, or section of the sponsoring district or service center that is directly responsible for sponsoring community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the

governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

- (a) The sponsor or operator of that community school;
- (b) A school district or educational service center that has contracted with that community school;
- (c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, ~~but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.~~

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the

school's sponsor may be renewed, ~~but no additional start-up community school may be established in that district unless the district is a challenged school district.~~

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. ~~However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state.~~

(4) On and after the effective date of this amendment, the department of education shall not restrict the establishment of a new start-up community school to those located in a challenged school district as required by this section prior to the effective date of this amendment.

Sec. 3314.021. (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its designee and the governing authority of the community school and renew that contract as provided in division (E) of section 3314.03 of the Revised Code.

(C) The entity that succeeds the board of trustees or the board's designee as sponsor of a community school under division (B) of this section also may enter into contracts to sponsor other community schools ~~located in any challenged school district~~ regardless of the proposed school's location, without obtaining the department's initial approval of its sponsorship of those schools under divisions (A)(2) and (B)(1) of section 3314.015 of the

Revised Code as long as the contracts conform with and the entity complies with all other requirements of this chapter.

(D)(1) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code.

(2) If an entity described in division (A) of this section receives a rating below "effective" under division (B) of section 3314.016 of the Revised Code for two or more consecutive years, that entity shall receive approval from the department of education to sponsor community schools and enter into a written agreement with the department in accordance with division (B)(1) of section 3314.015 of the Revised Code prior to entering into any further preliminary agreements under division (C)(2) of section 3314.02 of the Revised Code or renewing any existing contract to sponsor a community school.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student

from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668,

3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four months after

the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not

renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to

take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent under section 3326.032 of the Revised Code;

(27) That the school's attendance and participation policies will be available for public inspection;

(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:

(a) An indication of what blended learning model or models will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;
(f) A statement describing how private student data will be protected;
(g) A description of the professional development activities that will be offered to teachers.

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of

payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.034. (A) Subject to ~~division~~ divisions (B) and (E) of this section, any community school to which either of the following conditions apply shall be prohibited from entering into a contract with a new sponsor:

(1) The community school has received a grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the state board of education, under division (C)(1)(e) of that section, on the most recent report card issued for the school pursuant to that section.

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request that was granted.

(4) The department grants the school's request pursuant to division (C) of this section.

(C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the state board not later than ten days after receiving the decision from the department. The state board shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of

June of the year in which the school wishes to change sponsors.

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community or communities it serves;

(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

(E) The restrictions on entering into a contract with a new sponsor prescribed by this section do not apply to any community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract.

(B) Division (B) of this section shall not apply to internet- or computer-based community schools.

(1) A community school may be located in multiple facilities under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility.

(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply:

(a) The governing authority has entered into and maintains a contract with an operator of the type described in division (A)(8)(b) of section 3314.02 of the Revised Code.

(b) The contract with that operator qualified the school to be established pursuant to division (A) of former section 3314.016 of the Revised Code.

(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:

(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code.

(3) ~~A~~ On and after the effective date of this amendment, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if ~~at~~ both of the following apply:

~~(a) At least one of the school districts in which the school is established is a challenged school district;~~

~~(b)~~ The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

~~(c)~~ (b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

~~In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered~~

~~the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of education of that designation.~~

(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:

(a) The facilities are all located in the same county.

(b) Either of the following conditions are satisfied:

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;

(ii) The community school is managed by an operator.

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the

school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F)(1) In the case of a community school that exists prior to the effective date of this amendment to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to the effective date of this amendment, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to the effective date of this amendment, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after the effective date of this amendment, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education of that designation.

(b) A community school governing authority that elects to modify a community school's primary location, whether in accordance with division (F)(1) of this section or otherwise, shall notify the department of that modification.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in

a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section ~~3314.08~~ 3317.022 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A)(2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section ~~3314.08~~ 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age. ~~The department of education shall pay the school an amount equal to the formula amount, as defined in section 3317.02 of the Revised Code, for each of these students younger than four years of age. However, but the school shall not receive any other funds under this chapter section 3317.022 of the Revised Code for those individuals.~~ Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals who are younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B)(1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code and as defined in the contract.

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code.

(C) Whether enrollment is limited to students who reside in the district

in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may do either of the following for the purpose described in division (G) of this section:

(i) Establish a single-gender school for either sex;

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of

students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section:

~~(1)(a) "Category one career technical education student" means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.~~

~~(b) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~

~~(c) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~

~~(d) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~

~~(e) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~

~~(2)(a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~

~~(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~

~~(c) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~

~~(3)(a) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~

~~(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~

~~(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~

~~(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.~~

~~(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.~~

~~(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.~~

~~(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~

~~(5)(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.~~

~~(6)(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~

~~(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~

(B) The state board of education shall adopt rules requiring both of the following:

~~(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled.~~

~~(2) The governing authority of each community school established under this chapter to annually report all of the following:~~

~~(a)(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;~~

~~(b)(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;~~

~~(c)(3) The number of students reported under division (B)(2)(b) (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;~~

~~(d)(4) The full-time equivalent number of students reported under divisions (B)(2)(a) (B)(1) and (b) (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (E) (5) of section 3317.014 of the Revised Code that are provided by the community school;~~

~~(e)~~(5) The number of students reported under divisions ~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are not reported under division ~~(B)(2)(d)~~ (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to ~~(E)~~ (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;

~~(f)~~(6) The number of students reported under divisions ~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;

~~(g)~~(7) The number of students reported under divisions ~~(B)(2)(a)~~ (B)(1) and ~~(b)~~ (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division ~~(B)(2)(g)~~ (B)(7) of this section based on anything other than family income.

~~(h)~~(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

~~(i)~~(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions ~~(B)(2)(a)~~ (B)(1) to ~~(h)~~ (9) of this section any student for whom tuition is charged under division (F) of this section.

~~(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:~~

- ~~(a) An opportunity grant in an amount equal to the formula amount;~~
- ~~(b) The per pupil amount of targeted assistance funds calculated under~~

~~division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;~~

~~(e) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:~~

~~(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;~~

~~(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;~~

~~(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;~~

~~(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;~~

~~(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;~~

~~(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.~~

~~(d) If the student is in kindergarten through third grade, an additional amount of \$320;~~

~~(e) If the student is economically disadvantaged, an additional amount equal to the following:~~

~~\$272 X the resident district's economically disadvantaged index~~

~~(f) English learner funds as follows:~~

~~(i) If the student is a category one English learner, the amount specified in division (A) of section 3317.016 of the Revised Code;~~

~~(ii) If the student is a category two English learner, the amount specified in division (B) of section 3317.016 of the Revised Code;~~

~~(iii) If the student is a category three English learner, the amount specified in division (C) of section 3317.016 of the Revised Code.~~

~~(g) If the student is reported under division (B)(2)(d) of this section, career technical education funds as follows:~~

~~(i) If the student is a category one career technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;~~

~~(ii) If the student is a category two career technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;~~

~~(iii) If the student is a category three career technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;~~

~~(iv) If the student is a category four career technical education student,~~

~~the amount specified in division (D) of section 3317.014 of the Revised Code;~~

~~(v) If the student is a category five career technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.~~

~~Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career technical planning district or the department of education under section 3317.161 of the Revised Code.~~

~~(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet or computer based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.~~

~~No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.~~

~~(3)(a)(C)(1)(a)~~ If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division ~~(C)(3)(a)~~ (C)(1)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

~~(4)(2)~~ In any fiscal year, a community school receiving funds under ~~division (C)(1)(g)~~ division (A)(7) of ~~this section 3317.022 of the Revised Code~~ shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the

school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division ~~(C)(1)(g)~~ (A)(7) of ~~this~~ section 3317.022 of the Revised Code may be spent.

~~(5)(3)~~ Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division ~~(C)(9)~~ (C)(5) of this section, all funds received under ~~division (C)(1)(g)~~ division (A)(7) of ~~this~~ section 3317.022 of the Revised Code shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

~~(6)(4)~~ A community school shall spend the funds it receives under division ~~(C)(1)(e)~~ (A)(4) of ~~this~~ section 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code.

~~(7)~~ If the sum of the payments computed under divisions ~~(C)(1)~~ and ~~(8)(a)~~ of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

~~(8)(a)~~ Subject to division ~~(C)(7)~~ of this section, the department annually shall pay to each community school, including each internet or computer-based community school, an amount equal to the following:

~~(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)~~

~~(b)~~ For each payment made to a community school under division ~~(C)(8)(a)~~ of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and

~~323.156 of the Revised Code an amount equal to the following:~~

~~(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)~~

~~(9)(5)~~ The department may waive the requirement in division ~~(C)(5)~~ (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(6) For fiscal years 2022 and 2023, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to ~~division (C) of this section 3317.022 of the Revised Code~~. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts ~~subtracted and paid under division (C) of this section 3317.022 of the Revised Code~~ to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under ~~this section 3317.022 of the Revised Code~~ including initial payments in a school year and adjustments and reductions made in subsequent periodic

payments to community schools and corresponding deductions from school district accounts as provided under ~~division (C) of this section~~ 3317.022 of the Revised Code. For purposes of this ~~section~~ division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

(a) The community school receives documentation from a parent terminating enrollment of the student.

(b) The community school is provided documentation of a student's enrollment in another public or private school.

(c) The community school ceases to offer learning opportunities to the student pursuant to the terms of the contract with the sponsor or the operation of any provision of this chapter.

Except as otherwise specified in this paragraph, beginning in the 2011-2012 school year, any student who completed the prior school year in an internet- or computer-based community school shall be considered to be enrolled in the same school in the subsequent school year until the student's enrollment has ceased as specified in division (H)(2) of this section. The department shall continue ~~subtracting and~~ paying amounts for the student under ~~division (C) of this section~~ 3317.022 of the Revised Code without interruption at the start of the subsequent school year. However, if the student without a legitimate excuse fails to participate in the first seventy-two consecutive hours of learning opportunities offered to the student in that subsequent school year, the student shall be considered not to

have re-enrolled in the school for that school year and the department shall recalculate the payments to the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under ~~this~~ section 3317.022 of the Revised Code to reflect payments made to colleges under section 3365.07 of the Revised Code.

(J)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

(a) The student possesses or has been provided with all required hardware and software materials and all such materials are operational so that the student is capable of fully participating in the learning opportunities specified in the contract between the school and the school's sponsor as required by division (A)(23) of section 3314.03 of the Revised Code;

(b) The school is in compliance with division (A) of section 3314.22 of the Revised Code, relative to such student.

(2) In accordance with policies adopted by the superintendent of public instruction, in consultation with the auditor of state, the department shall reduce the amounts otherwise payable under ~~division (C) of this section 3317.022 of the Revised Code~~ to any community school that includes in its program the provision of computer hardware and software materials to any student, if such hardware and software materials have not been delivered, installed, and activated for each such student in a timely manner or other educational materials or services have not been provided according to the contract between the individual community school and its sponsor.

The superintendent of public instruction and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K)(1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue

its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department ~~shall not subtract from a school district's state aid account and~~ shall not pay to a community school under ~~division (C) of this section~~ 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department ~~shall not subtract from a school district's state aid account and~~ shall not pay to a community school under ~~division (C) of this section~~ 3317.022 of the Revised Code any amount for that veteran.

Sec. 3314.083. If the department of education pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability who is enrolled in a community school, as calculated under division (C)(1) of that section, the department shall deduct the amount of that payment from the amount calculated for payment to the community school under section ~~3314.08~~ 3317.022 of the Revised Code.

Sec. 3314.084. (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.03 of the Revised Code.

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code.

(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section.

(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home:

~~(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child.~~

~~(2)~~ For purposes of the report required under division ~~(B)(2)~~ (B) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence.

~~(3)~~(2) The child's school district of residence shall count the child in that district's formula ADM.

~~(4)~~(3) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM.

~~(5) The department of education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home that the child is living in is located.~~

~~(6)~~(4) The department shall make the payments prescribed in ~~division (C) of section 3314.08~~ 3317.022 of the Revised Code, as applicable, to the community school.

Sec. 3314.086. A community school established under this chapter, including an internet- or computer-based community school, may provide career-technical education in the manner prescribed by section 3313.90 of the Revised Code. The community school may contract with any public agency, board, or bureau or with any private individual or firm for the purchase of any career-technical education or vocational rehabilitation

service for any student enrolled in the community school and may pay for such services with funds received under section ~~3314.08~~ 3317.022 of the Revised Code.

Sec. 3314.087. (A) As used in this section:

(1) "Career-technical program" means career-technical programs or classes described in division (A)(~~1~~), (~~B~~) (~~2~~), (~~C~~) (~~3~~), (~~D~~) (~~4~~), or (~~E~~) (~~5~~) of section 3317.014 of the Revised Code in which a student is enrolled.

(2) "~~Formula~~ ADM," "~~category~~ Category one through five career-technical education ADM," and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the career-technical planning district to which the student's resident district belongs. On an FTE basis, the student's resident school district shall count the student in the category one through five career-technical education ADM for the proportion of the time the student is enrolled in a career-technical program of the career-technical planning district to which the student's resident district belongs and, accordingly, the department of education shall calculate funds under Chapter 3317. for the resident district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school ~~and deduct from the student's resident school district~~ the amount computed for the student under section ~~3314.08~~ 3317.022 of the Revised Code in proportion to the fraction of the time on an FTE basis that the student attends classes at the community school. "Full-time equivalency" for a community school student, as defined in division (H) of section 3314.08 of the Revised Code, does not apply to the student.

Sec. 3314.089. (A) In any fiscal year, a community school receiving funds calculated under division (A)(8) of section 3317.022 of the Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical

programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (A)(8) of section 3317.022 of the Revised Code may be spent.

(B) Except as provided in division (C) of this section, all funds received under division (A)(8) of section 3317.022 of the Revised Code shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(C) The department may waive the requirements in division (B) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(D) In any fiscal year, a community school receiving funds under division (H) of section 3317.014 of the Revised Code shall spend those funds only on the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.

The department may deny payment under division (E) of section

3317.014 of the Revised Code to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes.

Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction as having met all of the following requirements:

(1) It is submitted to the department of education by a deadline which shall be established by the department.

(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B)(1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B)(4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the ~~thirty-first~~ first day of ~~January of the previous school year~~ August, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from

the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B)(1) or (2) of this section, and has since relinquished that responsibility under division (B)(3) of this section, the governing authority shall not accept that responsibility again unless the district board consents to the governing authority's acceptance of that responsibility.

(3) A governing authority's acceptance of responsibility under division (B)(1) or (2) of this section shall cover an entire school year, and shall remain in effect for subsequent school years unless the governing authority submits written notification to the district board that the governing authority is relinquishing the responsibility. However, a governing authority shall not relinquish responsibility for transportation before the end of a school year, and shall submit the notice relinquishing responsibility by the thirty-first day of January, in order to allow the school district reasonable time to prepare transportation for its native students enrolled in the school.

(4)(a) For any school year that begins on or after July 1, 2014, a school district is not required to provide transportation for any native student enrolled in a community school scheduled to open for operation in the current school year, if the governing authority of the community school, by the fifteenth day of April of the previous school year, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(b) The governing authority of a community school that accepts responsibility for transporting its students under division (B)(4)(a) of this section shall comply with divisions (B)(2) and (3) of this section to renew or relinquish that authority for subsequent school years.

(C)(1) A community school governing authority that enters into an agreement under division (A) of this section, or that accepts responsibility under division (B) of this section, shall provide or arrange transportation free of any charge for each of its enrolled students who is required to be transported under section 3327.01 of the Revised Code. The governing authority shall report to the department of education the number of students transported or for whom transportation is arranged under this section in accordance with rules adopted by the state board of education.

(2) The governing authority may provide or arrange transportation for any other enrolled student who is not eligible for transportation in

accordance with division (C)(1) of this section and may charge a fee for such service up to the actual cost of the service.

(3) Notwithstanding anything to the contrary in division (C)(1) or (2) of this section, a community school governing authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

~~(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.~~

~~If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:~~

~~(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across the board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:~~

~~(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by~~

~~(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.~~

~~(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.~~

~~(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil~~

~~payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.~~

~~As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~

~~(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.~~

~~(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.~~

~~(4) A community school shall use payments received under this division (H) of section 3317.0212 of the Revised Code solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.~~

~~(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school.~~

The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the Revised Code, as if it were a school district.

Sec. 3314.11. (A) The governing authority of each community school established under this chapter monthly shall review the residency records of students enrolled in that community school. Upon the enrollment of each student and on an annual basis, the governing authority shall verify to the department of education the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The school district may review the determination made by the community school under division (A) of this section.

(B)(1) For purposes of its initial reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the number of documents listed in division (E) of this section required to verify a student's residency. This policy shall supersede any policy concerning the number of documents for initial residency verification adopted by the district the student is entitled to attend.

(2) For purposes of the annual reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the information required to verify a student's residency. This information may be obtained through any type of document, including any of the documents listed in division (E) of this section, or any type of communication with a government official authorized to provide such information.

(C) For purposes of making the determinations required under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

(D) If a community school's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code differs from a district's determination, the community school that made the determination under division (A) of this section shall provide the school district with documentation of the student's residency and shall make a good faith effort to accurately identify the correct residence of the student.

(E) For purposes of this section, the following documents may serve as evidence of primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;

(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;

(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.

(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school presents the matter, the state superintendent, or the state superintendent's designee, shall determine which district the student is entitled to attend and shall direct any necessary adjustments to payments ~~and deductions~~ under section ~~3314.08~~ 3317.022 of the Revised Code based on that determination.

Sec. 3314.191. Notwithstanding any provision to the contrary in the Revised Code, the department of education shall make no payment under section ~~3314.08~~ 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following:

(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the Revised Code.

(B) The sponsor has approved the financial controls required by the comprehensive plan for the school under division (B)(5) of section 3314.03 of the Revised Code.

(C) The school facilities will be ready and open for use by the date prescribed in the contract entered into under section 3314.03 of the Revised Code, and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans.

(D) The chief administrator of the community school actively is managing daily operations at the school.

(E) The projected enrollment reported to the department is accurate.

Sec. 3314.20. (A) As used in this section:

(1) "Base enrollment" for an internet- or computer-based community school means either of the following:

(a) If the school was open for instruction on the effective date of this section, the number of students enrolled in the school at the end of the 2012-2013 school year;

(b) If the school opens for instruction after the effective date of this section, one thousand students.

(2) "Enrollment limit" for an internet- or computer-based community school means the following:

(a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education.

(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.

(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:

(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.

(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.

(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.

(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department. ~~The~~

~~department shall distribute the deducted amounts to the school districts to which the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Such amounts shall be distributed on a pro rata basis according to each district's share of the total enrollment in the community school.~~

Sec. 3314.24. (A) On or after July 1, 2004, no internet- or computer-based community school shall enter into a contract with a nonpublic school to use or rent any facility space at the nonpublic school for the provision of instructional services to students enrolled in the internet- or computer-based community school.

(B) ~~If, on or after July 1, 2004,~~ an internet- or computer-based community school has a contract with a nonpublic school as described in division (A) of this section, the department of education shall not make any payments under section ~~3314.08~~ 3317.022 of the Revised Code to the internet- or computer-based community school for any student who is enrolled in the internet- or computer-based community school and receives any instructional services from the internet- or computer-based community school at the nonpublic school.

Sec. 3314.261. This section shall not apply to an internet- or computer-based community school in which a majority of the students are enrolled in a dropout prevention and recovery program.

(A) For purposes of this section, "instructional activities" means the following classroom-based or nonclassroom-based activities that a student is expected to complete, participate in, or attend during any given school day:

- (1) Online logins to curriculum or programs;
- (2) Offline activities;
- (3) Completed assignments within a particular program, curriculum, or class;
- (4) Testing;
- (5) Face-to-face communications or meetings with school staff or service providers;
- (6) Telephone or video conferences with school staff or service providers;
- (7) Other documented communication with school staff or service providers related to school curriculum or programs.

(B)(1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:

- (a) The student participates in at least ninety per cent of the hours of

instructional activities offered by the school in that school year;

(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B)(1)(b) of this section.

(2) If a student is not considered in attendance under division (B)(1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.

(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian.

(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B)(2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to ~~enroll~~ re-enroll in that school ~~or another internet- or computer-based community school~~ for ~~one~~ the remainder of the school year ~~from the date of the student's disenrollment~~ in which the student is disenrolled. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school ~~if a majority of the students of that school are enrolled in a dropout prevention and recovery program~~.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A)(6)(b) of section 3314.03 of the Revised Code.

Sec. 3314.262. Notwithstanding anything to the contrary in section 3314.26 of the Revised Code, no student enrolled in an internet- or computer-based community school shall be subject to automatic withdrawal who, in any school year prior to the 2020-2021 school year, failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. Accordingly, the 2020-2021 school year shall begin a new starting point for automatic withdrawal of students enrolled in internet- or computer-based schools under section 3314.26 of the Revised Code.

Sec. 3314.353. ~~each~~ Each year, the department of education shall publish separate lists of the following:

(A) Community schools that have become subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code;

(B) Community schools that are at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code if their academic performance, as prescribed in those sections, does not improve on the next state report cards issued under section 3302.03 or 3314.017 of the Revised Code;

~~(C) All "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code.~~

On and after the effective date of this amendment, the department of education shall not adopt any rules, enforce any procedures or policies, or otherwise restrict the establishment or sponsorship of a new start-up community school based upon whether the school's proposed location is in a challenged school district.

Sec. 3314.355. No community school shall be subject to closure under section 3314.35 or 3314.351 of the Revised Code based on any report card issued for that school for the 2019-2020, 2020-2021, or 2021-2022 school years. Furthermore, the report card ratings of any previous years shall not be considered in determining whether a community school is subject to

automatic closure under section 3314.35 or 3314.351 of the Revised Code. Accordingly, the 2022-2023 school year shall begin a new starting point for automatic closure of community schools under either of those sections.

Sec. 3315.18. (A) The board of education of each city, exempted village, local, and joint vocational school district shall establish a capital and maintenance fund. Each board annually shall deposit into that fund an amount derived from revenues received by the district that would otherwise have been deposited in the general fund that is equal to three per cent of the ~~formula amount~~ statewide average base cost per pupil for the preceding fiscal year, as defined in section 3317.02 of the Revised Code, or another percentage if established by the auditor of state under division (B) of this section, multiplied by the district's student population for the preceding fiscal year, except that money received from a permanent improvement levy authorized by section 5705.21 of the Revised Code may replace general revenue moneys in meeting the requirements of this section. Money in the fund shall be used solely for acquisition, replacement, enhancement, maintenance, or repair of permanent improvements, as that term is defined in section 5705.01 of the Revised Code. Any money in the fund that is not used in any fiscal year shall carry forward to the next fiscal year.

(B) The state superintendent of public instruction and the auditor of state jointly shall adopt rules in accordance with Chapter 119. of the Revised Code defining what constitutes expenditures permitted by division (A) of this section. The auditor of state may designate a percentage, other than three per cent, of the ~~formula amount~~ statewide average base cost per pupil multiplied by the district's student population that must be deposited into the fund.

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D)(1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital

and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(2) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will create an undue financial hardship on the district.

(3) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (D)(1) of this section or the conditions to apply for the waiver described in division (D)(2) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(3) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into after November 21, 1997.

(F) As used in this section, "student population" means the average, daily, full-time equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an

open enrollment policy pursuant to section 3313.98 of the Revised Code;

(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.

Sec. 3317.011. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000 for the most recent fiscal year for which data is available, as determined by the department of education.

(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000 for the most recent fiscal year for which data is available, as determined by the department.

(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000 for the most recent fiscal year for which data is available, as determined by the department.

(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department.

(5) "Average education management information system support employee salary" means the average salary of accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$90,000 for the most recent fiscal year for which data is available, as determined by the department.

(6) "Average librarian and media staff salary" means the average salary of librarians and media staff employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than

\$95,000 for the most recent fiscal year for which data is available, as determined by the department.

(7) "Average other district administrator salary" means the average salary of all assistant superintendents and directors employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$135,000 for the most recent fiscal year for which data is available, as determined by the department.

(8) "Average principal salary" means the average salary of all principals employed by city, local, and exempted village school districts in this state with salaries greater than \$50,000 but less than \$120,000 for the most recent fiscal year for which data is available, as determined by the department.

(9) "Average superintendent salary" means the average salary of all superintendents employed by city, local, and exempted village school districts in this state with salaries greater than \$60,000 but less than \$180,000 for the most recent fiscal year for which data is available, as determined by the department.

(10) "Average teacher cost" for a fiscal year is equal to the sum of the following:

(a) The average salary of teachers employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000 for the most recent fiscal year for which data is available, as determined by the department;

(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this section;

(c) An amount for district-paid insurance costs equal to the following product:

The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to the state employment relations board for the health insurance survey conducted in accordance with divisions (K)(5) and (6) of section 4117.02 of the Revised Code for the most recent fiscal year for which data is available X 12

(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the following:

(a) The district is a member of an organization that regulates interscholastic athletics.

(b) The district has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4),

(5), (6), (7), (8), (9), and (10)(a) of this section:

(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;

(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;

(4) The spending determined under divisions (E)(4)(a), (E)(5)(a), (E)(6)(a), and (H)(1) of this section and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section;

(5) The information determined under division (G)(3) of this section.

(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:

(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18:

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section:

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150:

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16:

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as

follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360:

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000:

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250:

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available:

(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(4)(a) of this section is available:

(c) Compute the academic co-curricular activities cost in accordance with the following formula:

(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed

(5) Calculate the district's building safety and security cost for that fiscal year as follows:

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;

(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E)(5)(a) of this section for the most recent fiscal year for which the data is available;

(c) Compute the building safety and security cost in accordance with the following formula:

(The amount determined under division (E)(5)(a) of this section / the sum determined under division (E)(5)(a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:

(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department for the most recent fiscal year for which data is available;

(b) Determine the sum of the enrolled ADM of every school district in the state for the most recent fiscal year for which the data specified under division (E)(6)(a) of this section is available;

(c) Compute the supplies and academic content cost in accordance with the following formula:

(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and

accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};

(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500};

(ii) (\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [(\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the

following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year) X the quotient obtained under division (F)(3)(a) of this section] + the amount specified under division (A)(10)(c) of this section} X (the greater of the quotient obtained under division (F)(3)(b) of this section and 2)

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section

and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

\$31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section.

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year:

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450:

(c) Compute the building leadership cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of this section for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400:

(b) Determine the number of school buildings in the district for that fiscal year:

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is

greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to $\{[\text{the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section}] \times [(\text{the average clerical staff salary for that fiscal year X 1.16}) + \text{the amount specified under division (A)(10)(c) of this section for that fiscal year}]\}$.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this section X the number determined under division (G)(3)(a)(ii) of this section) - (the amount determined under division (E)(6)(a) of this section for that fiscal year/ the sum determined under division (E)(6)(b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed

Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H)(1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section;

(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed under division

(D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section + the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:

(1) Calculate the district's classroom teacher cost for that fiscal year as follows:

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18;

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through

eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of

the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360:

(b) Compute the counselor cost in accordance with the following formula:

(The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000:

(b) Compute the librarian and media staff cost in accordance with the following formula:

The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 250:

(b) Compute the staffing cost for student wellness and success in accordance with the following formula:

The quotient obtained under division (E)(3)(a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program

placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code) + (the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(6)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less

than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$;

(ii) $(\$80,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to $(\$80,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to $(\$130,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$;

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to $(\$60,000 \times 1.16)$ + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in accordance with the following formula:

$\{[(\text{The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section} - \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year}) \times \text{the quotient obtained under division (F)(3)(a) of this section}] + \text{the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code}\} \times \text{(the greater of the quotient obtained under division (F)(3)(b) of$

this section and 2)

(4) Calculate the district's fiscal support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the following formula:

The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(5) Calculate the district's education management information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(6) Calculate the district's leadership support cost for that fiscal year as follows:

(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;

(b) Divide the number obtained under division (F)(6)(a) of this section by 3;

(c) Compute the leadership support cost in accordance with the following formula:

(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:

§31 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:

(1) Calculate the district's building leadership cost for that fiscal year as follows:

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;

(c) Compute the building leadership cost in accordance with the following formula:

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G)(1)(a) of this section] + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G)(1)(b) of this section

(2) Calculate the district's building leadership support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400;

(b) Determine the number of school buildings in the district for that fiscal year;

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X

[(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]].

(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of section 3317.011 of the Revised Code X the number determined under division (G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G)(1), (2), and (3) of this section.

Sec. 3317.013. The ~~amounts~~ multipliers for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, are as follows:

(A) ~~An amount of \$1,578~~ A multiple of 0.2435 for ~~each student~~ students whose primary or only identified disability is a speech and language disability, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) ~~An amount of \$4,005~~ A multiple of 0.6179 for ~~each student~~ students identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, identified as having an other health impairment-minor, or identified as a preschool child who is developmentally delayed;

(C) ~~An amount of \$9,622~~ A multiple of 1.4845 for ~~each student~~ students identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) ~~An amount of \$12,841~~ A multiple of 1.9812 for ~~each student~~ students identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) ~~An amount of \$17,390~~ A multiple of 2.6830 for ~~each student~~ students identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) ~~An amount of \$25,637~~ A multiple of 3.9554 for ~~each student~~ students identified as autistic, having traumatic brain injuries, or as both

visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

Sec. 3317.014. ~~(A) The career-technical education additional amount per pupil for each student enrolled in~~ multiples for the following categories of career-technical education programs approved by the department of education under section 3317.161 of the Revised Code shall be as follows:

~~(A) An amount of \$5,192~~ (1) A multiple of 0.6230 for ~~each student students~~ enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

~~(B) An amount of \$4,921~~ (2) A multiple of 0.5905 for ~~each student students~~ enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

~~(C) An amount of \$1,795~~ (3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

~~(D) An amount of \$1,525~~ (4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department of education in consultation with the governor's office of workforce transformation;

~~(E) An amount of \$1,308~~ (5) A multiple of 0.1570 for students enrolled in family and consumer science programs, which shall be defined by the department of education in consultation with the governor's office of workforce transformation.

(B) The amount multiple for career-technical education associated services, as defined by the department, shall be ~~\$245~~ 0.0294.

(C) The department of education shall calculate career-technical education funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 and 2023, the sum of the following:

(a) The funding unit's category one career-technical education ADM X

the multiple specified in division (A)(1) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(b) The funding unit's category two career-technical education ADM X the multiple specified in division (A)(2) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(c) The funding unit's category three career-technical education ADM X the multiple specified in division (A)(3) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(d) The funding unit's category four career-technical education ADM X the multiple specified in division (A)(4) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage;

(e) The funding unit's category five career-technical education ADM X the multiple specified in division (A)(5) of this section X the statewide average career-technical base cost per pupil for that fiscal year X if the funding unit is a city, local, exempted village, or joint vocational school district, the district's state share percentage.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(a) An amount calculated in a manner determined by the general assembly times the funding unit's category one career-technical education ADM;

(b) An amount calculated in a manner determined by the general assembly times the funding unit's category two career-technical education ADM;

(c) An amount calculated in a manner determined by the general assembly times the funding unit's category three career-technical education ADM;

(d) An amount calculated in a manner determined by the general assembly times the funding unit's category four career-technical education ADM;

(e) An amount calculated in a manner determined by the general assembly times the funding unit's category five career-technical education

ADM.

(3) Payment of funds calculated under division (C) of this section is subject to approval under section 3317.161 of the Revised Code.

(D) Subject to division (I) of section 3317.023 of the Revised Code, the department shall calculate career-technical associated services funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:

(1) For fiscal years 2022 and 2023, the following product:

If the funding unit is a city, local, exempted village, or joint vocational school district, the funding unit's state share percentage X the multiple for career-technical education associated services specified under division (B) of this section X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the funding unit's categories one through five career-technical education ADM

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E) Subject to division (I) of section 3317.023 of the Revised Code, the department shall pay career awareness and exploration funds to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code as follows:

(1) For fiscal years 2022 and 2023, an amount equal to the following product:

The district's or school's enrolled ADM X \$2.50, for fiscal year 2022, or \$5, for fiscal year 2023

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding calculated under division (C) of this section may be spent.

(2) All funds received under division (C) of this section shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(G) In any fiscal year, a school district receiving funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment of funds calculated under division (D) of this section to any district that the department determines is not operating those services or is using funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall disperse those funds to school districts, community schools, and STEM schools receiving services from that district that provide plans for the use of those funds that are consistent with the career-technical planning district's plan that is on file with the department of education. A district or school that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum

to students:

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.016. The ~~amounts~~ multiples for English learners shall be as follows:

(A) ~~An amount of \$1,515~~ A multiple of 0.2104 for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing).

(B) ~~An amount of \$1,136~~ A multiple of 0.1577 for each student who, for fiscal years 2022 and 2023 has been enrolled in schools in the United States for more than 180 school days ~~or was previously exempted from taking until the student achieves a score on~~ the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing) that falls within the levels of achievement specified in divisions (A)(2)(a) to (c) of that section or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) ~~An amount of \$758~~ A multiple of 0.1053 for each student who ~~does not qualify for inclusion under division (A) or (B) of this section and is in a trial-mainstream period, as defined by the department,~~ for fiscal years 2022 and 2023, achieves a score on the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing) that falls within the levels of achievement specified in divisions (A)(2)(a) to (c) of that section, for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year 2024 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years 2022 and 2023.

(A) The department of education shall compute a city, local, or

exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A)(1)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(2) Calculate the district's local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine the minimum of the following:

(i) The average of the total federal adjusted gross income of the district's residents for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:

(a) Determine both of the following:

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section;

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.

(4) Calculate the district's per-pupil local capacity percentage as follows:

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year;

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025] / (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225

(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225.

(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows:

(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share adjusted federal gross income per pupil calculated under division (A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

The district's state share calculated under division (B) of this section for that fiscal year/ the aggregate base cost calculated for the district for that fiscal year under section 3317.011 of the Revised Code

Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows:

(1) For fiscal year 2022, the statewide average base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under section 3317.011 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year.

(2) For fiscal year 2023, the statewide average base cost per pupil shall be equal to the amount calculated under division (A)(1) of this section.

(B) The statewide average career-technical base cost per pupil shall be determined as follows:

(1) For fiscal year 2022, the statewide average career-technical base cost per pupil shall be equal to the sum of the aggregate base cost calculated for all joint vocational school districts in the state for that fiscal year under section 3317.012 of the Revised Code divided by the sum of the base cost enrolled ADMs of all of the joint vocational school districts in the state for that fiscal year.

(2) For fiscal year 2023, the statewide average career-technical base cost per pupil shall be equal to the amount calculated under division (B)(1) of this section.

Sec. 3317.019. (A)(1) Subject to division (D) of this section, for fiscal

years 2022 and 2023, the department of education shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) – (the district's payment under section 3317.022 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(1) of this section results in a negative number, the district's funding under division (A)(1) of this section shall be zero.

(2) For fiscal years 2022 and 2023, the department shall pay temporary transitional transportation aid to that district according to the following formula:

(The amount calculated for the district for fiscal year 2020 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) – (the district's payment for fiscal year 2019 under division (D)(2) of section 3314.091 of the Revised Code as that division existed prior to the effective date of this amendment) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A)(2) of this section results in a negative number, the district's funding under division (A)(2) of this section shall be zero.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years 2022 and 2023, if a district has fewer students

counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

Sec. 3317.0110. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community or STEM school that satisfies one of the following:

(a) The school is a member of an organization that regulates interscholastic athletics.

(b) The school has teams in at least three different sports that participate in an interscholastic league.

(B) When calculating a community or STEM school's aggregate base cost under this section, the department shall use data from fiscal year 2018 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student support base cost for that fiscal year computed under division (E) of this section) + (the school's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the school's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the school's athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the school is an eligible community or STEM school)

(D) The department of education shall compute a community or STEM school's teacher base cost for a fiscal year as follows:

(1) Calculate the school's classroom teacher cost for that fiscal year as

follows:

(a) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in kindergarten and divide that number by 20;

(b) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades one through three and divide that number by 23;

(c) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18;

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.

(2) Calculate the school's special teacher cost for that fiscal year as follows:

(a) Divide the number of students enrolled in the school for that fiscal year by 150;

(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.

(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X [(the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section 3317.011 of the Revised Code) / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year]

(F) The department shall compute a community or STEM school's leadership and accountability base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X (the sum of the leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(G) The department shall compute a community or STEM school's building leadership and operations base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)

(H) If a community or STEM school is an eligible community or STEM school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows:

The number of students enrolled in the school for that fiscal year X (the sum of the athletic co-curricular activities base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (H) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school

districts in the state for that fiscal year)

Sec. 3317.02. As used in this chapter:

(A)(4) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:

(1) The district's enrolled ADM for the previous fiscal year;

(2) The average of the district's enrolled ADM for the previous three fiscal years.

(D)(1) "Base cost per pupil" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) "Base cost per pupil" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(E)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A)(1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code and, in the case of a funding unit

that is a city, local, exempted village, or joint vocational school district, certified under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(3) "Category three career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(C)(A)(3)~~ of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(4) "Category four career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(D)(A)(4)~~ of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division ~~(E)(A)(5)~~ of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B)(4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

~~(B)(1)(F)(1)~~ "Category one English learner ADM" means the full-time equivalent number of English learners described in division (A) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified

under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

~~(C)(4)(G)(1)~~ "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the

Revised Code and division (C) of section 3326.32 of the Revised Code.

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

~~(D)~~(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering,

and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years 2022 and 2023, the square of the quotient of that district's percentage of students in its ~~total~~ enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ~~total~~ ADM identified as economically disadvantaged. For purposes of this calculation:

(~~1~~)(i) For a city, local, or exempted village school district, the "statewide ~~total~~ ADM" equals the sum of the ~~total~~ following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(~~2~~)(ii) For a joint vocational school district, the "statewide ~~total~~ ADM" equals the sum of the ~~formula~~ enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years 2022 and 2023, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I)(1)(a)(i) of this section.

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(~~E~~)(~~4~~)(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as

verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department of education by adding the students described in division (D)(1)(b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B)(1) and (2) of section 3314.08 of the Revised Code and the number of students reported as enrolled in STEM schools under division (A) of section 3326.32 of the Revised Code;

(4) For the educational choice scholarship unit, the number of students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code as reported under division (A)(2)(g) of section 3317.03 of the Revised Code;

(5) For the pilot project scholarship unit, the number of students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code as reported under division (A)(2)(b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of students for whom autism scholarships are awarded under section 3310.41 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code;

(7) For the Jon Peterson special needs scholarship unit, the number of students for whom Jon Peterson special needs scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code as reported under division (A)(2)(h) of section 3317.03 of the Revised Code.

~~(L)~~(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

~~(F)~~ "Formula amount" means \$6,010, for fiscal year 2018, and \$6,020, for fiscal year 2019.

~~(G)~~ (M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

~~(H)~~(N) For fiscal years 2022 and 2023, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;

(ii) The district's payments for fiscal year 2020 under divisions (C)(1),

(2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment.

(b) Subtract from the amount calculated in division (J)(1) of this section the sum of the following:

(i) The following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to the effective date of this amendment, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to the effective date of this amendment, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) The payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:

(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;

(ii) The district's payments for fiscal year 2020 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment.

(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019.

(P) For fiscal years 2022 and 2023, "funding base" for a community school means the following:

(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year

under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(Q) For fiscal years 2022 and 2023, "funding base" for a STEM school means the following:

(1) For a science, technology, engineering, and mathematics school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(2) For a science, technology, engineering, and mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section

265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;

(3) The educational choice scholarship unit;

(4) The pilot project scholarship unit;

(5) The autism scholarship unit;

(6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

~~(J)(1)(W)(1)~~ A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(J)(1)(a)~~ ~~(W)(1)(a)~~ or (b) of this section.

~~(K)(X)(1)~~ For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's, community school's, or STEM school's "general phase-in percentage" is equal to the percentage for that fiscal year that is determined by the general assembly.

(2) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district's "phase-in percentage for disadvantaged pupil impact aid" is equal to the percentage for that fiscal year that is determined by the general assembly.

(Y) "Pilot project scholarship unit" means a unit that consists of all of the students for whom pilot project scholarships are awarded under sections 3313.974 to 3313.979 of the Revised Code.

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

~~(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.~~

~~(M)(AA)~~ "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech

and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division ~~(B)(3)~~ (G)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

~~(N)(BB)~~ "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

~~(O)(DD)~~ "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

~~(P)(EE)(1)~~ "State share index percentage" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the state share index percentage calculated for a district under section 3317.017 of the Revised Code;

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

~~(Q)(2)~~ "State share percentage" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula:

The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(FF) "Statewide average base cost per pupil" means the following:

(1) For fiscal years 2022 and 2023, the statewide average base cost per

pupil calculated under division (A) of section 3317.018 of the Revised Code:

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(GG) "Statewide average career-technical base cost per pupil" means the following:

(1) For fiscal years 2022 and 2023, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

~~(R)(1)~~(JJ) For purposes of ~~section~~ sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for ~~tax years 2014, 2015, and 2016~~ the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

~~(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:~~

~~(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;~~

~~(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.~~

~~(S)~~(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

~~(T)~~(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

~~(U)~~(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition

amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.

(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.

(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73,

or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) For fiscal years 2022 and 2023, the number of state tax returns filed by the residents of the district for the most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (C)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. ~~(A)~~ The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, ~~as prescribed in the following divisions in accordance with the following:~~

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N)(2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2023, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under

division (A)(10) of this section.

For the pilot project scholarship unit, the amount calculated under division (A)(11) of this section.

For the autism scholarship unit, the amount calculated under division (A)(12) of this section.

For the Jon Peterson special needs scholarship unit, the amount calculated under division (A)(13) of this section.

(A) A funding unit's state core foundation funding components shall be the following:

(1) ~~An~~(a) If the funding unit is a city, local, or exempted village school district, opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

the district's state share, which is equal to the following:

(i) For fiscal years 2022 and 2023, the amount calculated under division (B) of section 3317.017 of the Revised Code;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years 2022 and 2023, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) ~~Targeted~~ If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:

(a) For fiscal years 2022 and 2023, an amount calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(3) ~~Additional~~ If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(a)(i) The ~~district's~~ funding unit's category one special education ADM X the ~~amount~~ multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the

district's state share ~~index~~ percentage;

~~(b)~~(ii) The district's funding unit's category two special education ADM X the amount multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share ~~index~~ percentage;

~~(c)~~(iii) The district's funding unit's category three special education ADM X the amount multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share ~~index~~ percentage;

~~(d)~~(iv) The district's funding unit's category four special education ADM X the amount multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share ~~index~~ percentage;

~~(e)~~(v) The district's funding unit's category five special education ADM X the amount multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share ~~index~~ percentage;

~~(f)~~(vi) The district's funding unit's category six special education ADM X the amount multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share ~~index~~ percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

~~(4) Kindergarten through third grade literacy funds calculated according to the following formula:~~

~~(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three)~~

~~For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.~~

~~(5) Economically If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged funds pupil impact aid calculated according to the following formula:~~

~~(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:~~

~~(i) For fiscal years 2022 and 2023, the following product:~~

~~\$272 \$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code~~

~~(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.~~

~~(b) If the funding unit is the community and STEM school unit, an amount equal to the following:~~

~~(i) For fiscal years 2022 and 2023, an amount calculated as follows:~~

~~(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled;~~

~~(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(i)(I) of this section.~~

~~(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated as follows:~~

~~(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;~~

~~(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.~~

~~(6)~~(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

~~(a)~~(i) The district's funding unit's category one English learner ADM X the amount multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

~~(b)~~(ii) The district's funding unit's category two English learner ADM X the amount multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage;

~~(c)~~(iii) The district's funding unit's category three English learner ADM X the amount multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share index percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

~~(7)~~(a)(6)(a) For fiscal years 2022 and 2023, if the funding unit is a city, local, or exempted village school district, all of the following:

(i) Gifted identification funds calculated according to the following formula:

$\$5.05 \times \$24 \times$ the district's formula enrolled ADM for grades kindergarten through six X the district's state share percentage

~~(b)~~(ii) Gifted referral funds calculated according to the following formula:

$\$2.50 \times$ the district's enrolled ADM X the district's state share percentage

(iii) Gifted professional development funds calculated according to the following formula:

(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and

ten per cent of the district's enrolled ADM) X the district's state share percentage X \$7, for fiscal year 2022, or \$14, for fiscal year 2023

(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code.

(b) For fiscal year 2024 and each fiscal year thereafter, all of the following:

(i) Gifted identification funds calculated in a manner determined by the general assembly;

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;

(iv) Gifted unit funding calculated in an amount determined by the general assembly.

~~(8) Career-technical(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated as the sum of the following:~~

~~(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share index;~~

~~(b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share index;~~

~~(c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share index;~~

~~(d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share index;~~

~~(e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share index.~~

~~Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code.~~

~~(9) Career-technical under division (C) of section 3317.014 of the Revised Code.~~

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated according to the following formula:

~~The district's state share index X the amount for career technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career technical education ADM~~
~~(10) Capacity aid funds calculated under section 3317.0218 of the Revised Code;~~

~~(11) A graduation bonus calculated under section 3317.0215 of the Revised Code;~~

~~(12) A third grade reading bonus calculated under section 3317.0216 of the Revised Code under division (D) of section 3317.014 of the Revised Code.~~

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following:

(The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X .20)

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies;

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(10)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section.

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The net tuition charges of the student's alternative school;

(ii) \$5,500, if the student is in grades kindergarten through eight, or

\$7,500, if the student is in grades nine through twelve.

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the base cost per pupil increases in future fiscal years.

For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514,

for fiscal year 2022, and \$1,562, for fiscal year 2023;

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and \$25,370, for fiscal year 2023.

(iii) \$27,000.

The amount specified for fiscal year 2023 in division (A)(13)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years.

The amounts specified for fiscal year 2023 in divisions (A)(13)(a)(ii)(I) to (VI) of this section shall increase in future fiscal years by the same percentage that the amounts calculated by the general assembly for those categories of special education services under division (A)(3) of this section increase in future fiscal years.

(b) Compute the sum of the amounts calculated under division (A)(13)(a) of this section.

(B) In any fiscal year, a funding unit that is a city, local, or exempted village school district shall spend for purposes that the department designates as approved for special education and related services expenses at least the amount calculated as follows:

(The ~~formula amount~~ base cost per pupil calculated for the district for that fiscal year X the total special education ADM) + (the district's category one special education ADM X the ~~amount~~ multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category two special education ADM X the ~~amount~~ multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category three special education ADM X the ~~amount~~ multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per

pupil) + (the district's category four special education ADM X the ~~amount~~ multiple specified in division (D) of section 3317.013 of the Revised Code ~~X the statewide average base cost per pupil~~) + (the district's category five special education ADM X the ~~amount~~ multiple specified in division (E) of section 3317.013 of the Revised Code ~~X the statewide average base cost per pupil~~) + (the district's category six special education ADM X the ~~amount~~ multiple specified in division (F) of section 3317.013 of the Revised Code ~~X the statewide average base cost per pupil~~)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

~~The scholarships deducted from the school district's account under sections 3310.41 and 3310.55 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.~~

~~(C) In any fiscal year, a school district receiving funds under division (A)(8) of this section shall spend those funds only for the purposes that the department designates as approved for career technical education expenses. Career technical education expenses approved by the department shall include only expenses connected to the delivery of career technical programming to career technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(8) of this section may be spent.~~

~~(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career technical education services, career technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of~~

~~section 3317.023 of the Revised Code, for other purposes.~~

~~(E) All funds received under division (A)(8) of this section shall be spent in the following manner:~~

~~(1) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~

~~(2) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~

~~(F) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division ~~(A)(5)~~ (A)(4) of this section in accordance with section 3317.25 of the Revised Code.~~

(D)(1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years 2022 and 2023:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly under division (A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.

(b) If the student is a special education student:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:

(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section:

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.

(d) If the school is not an internet- or computer-based community school and the student is an English learner:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil:

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section.

(e) If the student is a career-technical education student:

(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil:

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(f) If the student is a career-technical education student:

(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil:

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code.

(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section.

(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years

of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

(F) If a student is awarded a pilot project scholarship under sections 3313.974 to 3313.979 of the Revised Code, the department shall distribute to the parent of the student, if the student is attending a registered private school as defined in section 3313.974 of the Revised Code, or the student's school district of attendance, if the scholarship is to be used for payments to a public school in a school district adjacent to the pilot project school district pursuant to section 3327.06 of the Revised Code, a scholarship from the funds paid to the pilot project scholarship unit under this section that is equal to the amount calculated for the student under division (A)(11)(a) of this section.

In the case of a scholarship distributed to a student's parent, the scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any such student who is not enrolled in a registered private school, as that term is defined in section 3313.974 of the Revised Code, for the entire school year. The first payment shall be made by the last day of November and shall equal one-third of the estimated total amount that will be due to the parent for the school year.

In the case of a scholarship distributed to a student's school district of attendance, the department shall, on behalf of the student's parents, use the scholarship to make the tuition payments required by section 3327.06 of the Revised Code to the student's school district of attendance, except that, notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount calculated for the student under division (A)(11)(a) of this section.

(G) The department shall distribute to the parent of each student for whom an autism scholarship is awarded under section 3310.41 of the Revised Code, from the funds paid to the autism scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(12)(a) of this section. The scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any student who is not enrolled in the special education program for which a scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The

department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(13)(a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years 2022 and 2023, a school district shall spend the funds it receives under division (A)(5) of this section only for services for English learners.

(J) For fiscal years 2022 and 2023, a school district shall spend the funds it receives under division (A)(6) of this section only for the identification of gifted students, gifted coordinator services, gifted intervention specialist services, other service providers approved by the department of education, and gifted professional development. For fiscal years 2022 and 2023, if the department determines that a district is not in compliance with this division, it shall reduce the district's payments for that fiscal year under this chapter by an amount equal to the amount paid to the district for that fiscal year under division (A)(6) of this section that was not spent in accordance with this division.

Sec. 3317.023. (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section.

As used in this section:

(1) "Career-technical planning district" or "CTPD" means a school district or group of school districts designated by the department of education as being responsible for the planning for and provision of career-technical education services to students within the district or group. A community school established under Chapter 3314. of the Revised Code or a STEM school established under Chapter 3326. of the Revised Code that is serving students in any of grades seven through twelve shall be assigned to a career-technical planning district by the department.

(2) "Lead district" means a school district, including a joint vocational

school district, designated by the department as a CTPD, or designated to provide primary career-technical education leadership within a CTPD composed of a group of districts, community schools assigned to the CTPD, and STEM schools assigned to the CTPD.

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F)(1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code,

deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the ~~formula amount~~ statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center.

(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under ~~division (A)(9)~~ divisions (D) and (E) of section ~~3317.022~~ 3317.014 of the Revised Code or division (A)(6) of section ~~3317.16~~ of the Revised Code, as applicable and for each community school and STEM school assigned to the CTPD under divisions (D) and (E) of section 3317.014 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, or from the appropriate community school or STEM school, the amount attributable to that district or school that is credited to a lead district under division (I)(1) of this section.

(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division (C)(1) of that section, the department shall deduct the amount of that payment from the city, local, or exempted village school district that is responsible as specified in that section for the excess costs.

(K)(1) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the

Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

Sec. 3317.024. The following shall be distributed monthly, quarterly, or annually as may be determined by the state board of education:

(A) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education. However, for fiscal years 2012 and 2013, an island district shall receive the lesser of its actual cost of operation, as certified to the department of education, or ninety-three per cent of the amount the district received in state operating funding for fiscal year 2011. If an island district received no funding for fiscal year 2011, it shall receive no funding for either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay tuition for a child in an institution maintained by the department of youth services pursuant to section 3317.082 of the Revised Code, provided the child was not included in the calculation of the district's formula ADM, as that term is defined in section 3317.02 of the Revised Code, for the preceding school year.

(C) An amount for the approved cost of transporting eligible pupils with disabilities attending a special education program approved by the department of education whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the school district or educational service center. For fiscal years 2022 and 2023, in the case of a school district, this amount shall be equal to the actual costs incurred by the district when transporting those students, as reported to the department, times the percentage determined for the district for that fiscal year under divisions (E)(3)(a) to (f) of section 3317.0212 of the Revised Code. No district or service center is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM. The state board of education shall establish standards and guidelines for use by the department of education in determining the approved cost of such transportation for each ~~district or~~ service center. For fiscal years 2022 and 2023, the state board shall also establish the deadline for each district to report its actual costs for transporting these students. For fiscal years 2022 and 2023, costs reported by each district under this division shall be subject

to periodic, random audits by the department.

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that ~~is either of the following:~~

~~(a) A school affiliated with a religious order, sect, church, or denomination or has a curriculum or mission that contains religious content, religious courses, devotional exercises, religious training, or any other religious activity;~~

~~(b) A school not described in division (E)(1)(a) of this section that has not elected to receive funds under division (E)(2) of this section.~~

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school ~~is not affiliated with a religious order, sect, church, or denomination and does not have a curriculum or mission that contains religious content, religious courses, devotional exercises, religious training, or any other religious activity~~ shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July, ~~unless the department determines that the school meets the criteria in division (E)(1)(a) of this section.~~ The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education of the organization's name not later than the first day of April of

each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or as specified under division (E)(1) of this section.

(iii) An organization shall disburse the auxiliary services funds of all chartered nonpublic schools that have designated the organization to receive funds on their behalf in accordance with division (E)(2)(b) of this section. If multiple chartered nonpublic schools designate the same organization to receive auxiliary services funds on their behalf, that organization may use one or more accounts for the purposes of managing the funds. The organization shall maintain appropriate accounting and reporting standards and ensure that each chartered nonpublic school receives the auxiliary services funds to which the school is entitled.

(iv) Each chartered nonpublic school that elects to receive funds directly in accordance with division (E)(2) of this section or the organization designated to receive and disburse auxiliary services funds on behalf of a chartered nonpublic school shall maintain records of receipt and expenditures of the funds in a manner that conforms with generally accepted accounting principles.

(v) The department of education shall create and disseminate a standardized reporting form that chartered nonpublic schools and organizations designated to receive funds in accordance with division (E)(2)(b) of this section may use to comply with division (E)(2)(b)(iv) of this section. However, the department shall not require schools to use that form.

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E)(2)(b) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E)(2)(b)(vi) of this section using auxiliary services funds.

(c) The amount paid under divisions (E)(1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day

of October of each school year.

(F) An amount for each county board of developmental disabilities, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code;

(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the total of all tuition amounts required to be paid to the institution under division (A)(1) of section 3317.082 of the Revised Code.

The state board of education or any other board of education or governing board may provide for any resident of a district or educational service center territory any educational service for which funds are made available to the board by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state or any agency, department, or political subdivision thereof.

Sec. 3317.026. This section shall apply only for fiscal years 2022 and 2023.

(A) For each fiscal year, the department of education shall calculate an amount for the community and STEM school unit as follows:

(1) For each community school and STEM school, determine the sum of the following:

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;

(b) The sum of the following:

(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:

\$422 X the school's economically disadvantaged index X the number of students in the school's enrolled ADM who are economically disadvantaged

(d) If the school is not an internet- or computer-based community school, the sum of the following:

(i) The school's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) The school's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) The school's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

(e) The sum of the following:

(i) The school's category one career-technical education ADM X the multiple specified under division (A)(1) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(ii) The school's category two career-technical education ADM X the multiple specified under division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iii) The school's category three career-technical education ADM X the multiple specified under division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(iv) The school's category four career-technical education ADM X the multiple specified under division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year;

(v) The school's category five career-technical education ADM X the multiple specified under division (A)(5) of section 3317.014 of the Revised

Code X the statewide average career-technical base cost per pupil for that fiscal year.

(f) An amount equal to the following:

The multiple for career-technical associated services specified under division (B) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year X the sum of the school's categories one through five career-technical education ADM

(g) If the school is a community school, an amount equal to the following:

The number of students reported by the community school under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the school's enrolled ADM) X 0.20

(2) For each community and STEM school, determine the lesser of the following:

(a) The following sum:

The school's funding base + {(the sum calculated for the school under division (A) of this section) - the school's funding base} X the school's general phase-in percentage for that fiscal year}

(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.

(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.

(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.

Sec. 3317.028. (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education and the office of budget and management:

- (1) The district's total taxable value for the preceding tax year;
- (2) The change in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year;
- (3) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;
- (4) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(B) Upon receipt of a certification specified in this section, the department of education shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation, if applicable. The department shall pay to the district an amount equal to the lesser of the following:

- (1) The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid;
- (2) The absolute value of the amount certified under division (A)(2) of this section.

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department of education shall not pay the district under this section prior to approval by the director of budget and management to make that payment.

(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

Sec. 3317.0212. (A) As used in this section:

- (1) For fiscal years 2022 and 2023, "assigned bus" means a school bus used to transport qualifying riders.
- (2) For fiscal years 2022 and 2023, "density" means the total riders per square mile of a school district.
- (3) For fiscal years 2022 and 2023, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school

established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.

(4) "Qualifying riders" means the following:

(a) For fiscal years 2022 and 2023, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district and who live more than one mile from the school they attend, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year 2024 and each fiscal year thereafter, students specified by the general assembly.

(2)(5) "Qualifying ridership" means the following:

(a) For fiscal years 2022 and 2023, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;

(b) For fiscal year 2024 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.

(3)(6) "Rider density" means the total ADM per square mile of a school district. following:

(a) For fiscal years 2022 and 2023, the following quotient:

A school district's total number of qualifying riders/ the number of square miles in the district

(b) For fiscal year 2024 and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.

(4)(7) For fiscal years 2022 and 2023, "riders" means students enrolled in regular and special education in grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school.

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of

transportation or otherwise.

(B) Not later than the fifteenth day of October first day of November, for fiscal years 2022 and 2023, or a date determined by the general assembly, for fiscal year 2024 and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation base payment as follows:

(1) ~~Multiply~~ For fiscal years 2022 and 2023:

(a) Calculate the sum of the following:

(i) The product of the statewide transportation cost per student by and the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in the district;

(ii) 1.5 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in community schools established under Chapter 3314. of the Revised Code or STEM schools established under Chapter 3326. of the Revised Code;

(iii) 2.0 times the statewide transportation cost per student times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools.

~~(2)(b)~~ Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

~~(3)(c)~~ Multiply the greater of the amounts calculated under divisions (E)(1)(a) and ~~(2)(b)~~ of this section by the following:

~~(a)(i)~~ For fiscal year ~~2018~~ 2022, the greater of ~~thirty-seven and one-half~~ twenty-nine and one-sixth per cent or the district's state share ~~index~~ percentage, as defined in section 3317.02 of the Revised Code;

~~(b)(ii)~~ For fiscal year ~~2019~~ 2023, the greater of ~~twenty-five~~ thirty-three and one-third per cent or the district's state share ~~index~~ percentage.

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts.

(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under ~~division (E)~~ divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

~~(G)(4)(H)(1)~~ (H)(1) For purposes of division ~~(G)(H)~~ (H) of this section, a school district's "transportation supplement percentage" means the following:

(a) For fiscal years 2022 and 2023, the following quotient:

(5028 – the district's rider density) / 100

If the result of the calculation for a district under division ~~(G)(4)(H)(1)(a)~~ (H)(1)(a) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section X 0.55

(I)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom

transportation is arranged by the community school under division (C)(1) of that section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the state board of education implementing this section, the payment to the community school shall be the following:

(i) For fiscal years 2022 and 2023, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner not described in division (H)(1)(b)(i) of this section, the amount that would otherwise be computed for and paid to the district.

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

The community school, however, is not required to use the same method to transport the student.

As used in this division, "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) A community school shall be paid under division (H)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of section 3314.091 of the Revised Code, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu

of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year.

~~The~~ For fiscal years 2022 and 2023, the additional state aid shall be calculated under the following formula:

(\$4,000 X the number of students who are preschool children with disabilities) + the sum of the following:

(1) The district's or institution's category one special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage X 0.50;

(2) The district's or institution's category two special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage X 0.50;

(3) The district's or institution's category three special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage X 0.50;

(4) The district's or institution's category four special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage X 0.50;

(5) The district's or institution's category five special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index percentage~~ X 0.50;

(6) The district's or institution's category six special education students who are preschool children with disabilities X the ~~amount~~ multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index percentage~~ X 0.50.

For fiscal year 2024 and each fiscal year thereafter, the additional state aid shall be calculated for each category of special education students who are preschool children with disabilities using a formula specified by the general assembly.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share ~~index percentage~~ of a student enrolled in an institution is the state share ~~index percentage~~ of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board.

Sec. 3317.0214. (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that

student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(1) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(2) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share ~~index~~ percentage.

(B) For purposes of division (A) of this section, the threshold catastrophic cost for serving a student equals:

(1) For a student in the school district's category two, three, four, or five special education ADM, twenty-seven thousand three hundred seventy-five dollars;

(2) For a student in the district's category six special education ADM, thirty-two thousand eight hundred fifty dollars.

(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3317.0215. (A)(1) For fiscal years 2022 and 2023, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code an amount equal to the following:

(a) In the case of a city, local, exempted village, or joint vocational school district, an amount calculated as follows:

$0.10 \times [(\text{the district's category one special education ADM} \times \text{the multiple specified in division (A) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category two special education ADM} \times \text{the multiple specified in division (B) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category three special education ADM} \times \text{the multiple specified in division (C) of section 3317.013 of the Revised Code} \times \text{the statewide average base cost per pupil for that fiscal year} \times \text{the district's state share percentage}) + (\text{the district's category four special education ADM} \times \text{the multiple specified in division (D) of$

section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage) + (the district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage) + (the district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage)]

(b) In the case of a community school, the aggregate amount of special education funding paid to the school under section 3317.022 of the Revised Code times 0.10.

(c) In the case of a science, technology, engineering, or mathematics school, the aggregate amount of special education funding paid to the school under section 3317.022 of the Revised Code times 0.10.

(2) For fiscal year 2024 and each fiscal year thereafter, the department of education shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school, and science, technology, engineering, and mathematics school an amount determined by the general assembly, if any, for purposes of this section.

(B) For fiscal years 2022 and 2023, the department shall use the amount of funds withheld under division (A) of this section for purposes of division (C)(1) of section 3314.08 of the Revised Code, section 3317.0214 of the Revised Code, division (B) of section 3317.16 of the Revised Code, and section 3326.34 of the Revised Code.

For fiscal year 2024 and each fiscal year thereafter, the department shall use the amount of funds withheld under division (A) of this section, if any, for purposes determined by the general assembly.

Sec. 3317.0217. This section shall apply only for fiscal years 2022 and 2023.

Payment of the amount calculated for a school district under this section shall be made under division (A) of section 3317.022 of the Revised Code.

(A) For each fiscal year, the department of education shall compute targeted assistance funds for city, local, and exempted village school districts, in accordance with the following formula:

A district's capacity amount for that fiscal year calculated under division (B) of this section + a district's wealth amount for that fiscal year calculated under division (C) of this section

(B) The department shall calculate each district's capacity amount for a

fiscal year as follows:

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum:

(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) + (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4)

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year:

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year:

(4) Compute each district's capacity amount for that fiscal year as follows:

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) – (the district's weighted wealth for that fiscal year X 0.008)

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B)(4)(b)(i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

{[0.95 X (the district's enrolled ADM for that fiscal year – 400)/200] + 0.05} X the amount computed under division (B)(4)(b)(i) of this section

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section.

(C) The department shall calculate each district's wealth amount for a fiscal year as follows:

(1) Calculate each district's weighted wealth per pupil for that fiscal

year, which equals the following quotient:

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code)

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) – (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year
Sec. 3317.0218. This section shall apply only for fiscal years 2022 and 2023.

For each fiscal year, the department of education shall compute supplemental targeted assistance for each city, local, and exempted village school district as follows:

(A) Determine if the district satisfies both of the following criteria:

(1) The wealth index calculated for the district for fiscal year 2019 under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section is greater than 1.6;

(2) The district's enrolled ADM for fiscal year 2019 is less than eighty-eight per cent of the district's total ADM for fiscal year 2019.

(B) Determine the maximum of the wealth indices calculated under division (A)(4) of former section 3317.0217 of the Revised Code as it existed prior to the effective date of this section for all districts that satisfy both of the criteria specified under division (A) of this section;

(C) If the district satisfies both of the criteria specified under division (A) of this section, compute the district's supplemental amount as the

product of the following:

(1) $\frac{\{[(\text{The number specified under division (A)(1) of this section} - 1.6) / (\text{the number determined under division (B) of this section} - 1.6)] \times 675\}}{75}$:

(2) The district's enrolled ADM.

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero.

Sec. 3317.03. (A) The superintendent of each city, local, and exempted village school district shall report to the state board of education as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, ~~preschool scholarship ADM~~, transportation ADM, and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

(1) The enrollment reported by the superintendent during the reporting period shall consist of the number of students in grades kindergarten through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised

Code.

(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code ~~as described in division (I)(2)(a) or (b) of this section;~~

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section ~~3310.08~~ 3317.022 of the Revised Code, if the students qualified for the scholarship under section 3310.03 ~~or 3310.032~~ of the Revised Code;

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to

attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day classes included in the report under division (A)(1) or (2), including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) ~~Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (A)(2)(a) or (b) of this section;~~

~~(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;~~

~~(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;~~

~~(d) Enrolled in a community school established under Chapter 3314. of~~

~~the Revised Code that is not an internet or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;~~

~~(e) Enrolled in an internet or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;~~

~~(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;~~

~~(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;~~

~~(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;~~

~~(i)~~(b) Participating in a program operated by a county board of developmental disabilities or a state institution;

~~(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;~~

~~(k) Enrolled in a college preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;~~

~~(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.~~

(4) The total enrollment of pupils in joint vocational schools;

(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(6) The combined enrollment of children with disabilities reported under

division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;

(10) The combined enrollment of children with disabilities reported under division (A)(1) or (2) ~~and under division (B)(3)(h)~~ of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category

six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;

(11) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category one career-technical education programs or classes, described in division (A)(1) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)(M)~~ of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category two career-technical education programs or services, described in division ~~(B)(A)(2)~~ of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)(M)~~ of section 3317.02 of the Revised Code and division (C)(3) of this section;

(13) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category three career-technical education programs or services, described in division ~~(C)(A)(3)~~ of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)(M)~~ of section 3317.02 of the Revised Code and division (C)(3) of this section;

(14) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described

in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category four career-technical education programs or services, described in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(15) The enrollment of pupils reported under division (A)(1) or (2) of this section on a full-time equivalency basis, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, in category five career-technical education programs or services, described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division ~~(G)~~(M) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(16) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;

(17) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;

(18) The enrollment of pupils reported under division (A)(1) or (2) of this section who are English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as enrolled in an internet- or computer-based community school;

(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and

-operated buses, reported in accordance with rules adopted by the department of education;

(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.

(21) The enrollment of students who are economically disadvantaged, as defined by the department, including any student described in divisions (A)(1)(b) of this section and excluding any student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section as

~~enrolled in an internet or computer-based community school.~~ A student shall not be categorically excluded from the number reported under division (B)(21) of this section based on anything other than family income.

(22) The enrollment of students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code.

(C)(1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section.

(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the formula ADM ~~and, if applicable, the category one, two, three, four, five, or six special education ADM~~ of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section ~~3314.08, 3326.33, 3317.022~~ or 3328.24 of the Revised Code. Notwithstanding the enrollment of students ~~certified reported~~ pursuant to division ~~(B)(3)(d)~~ (A)(2)(a), ~~(e) (i), or (j), or (k)~~ of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows:

(a)(i) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division ~~(G)(M)~~ of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(ii) A child with a disability described in section 3317.013 of the Revised Code may be counted both in enrolled ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As

provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in enrolled ADM.

(b)(i) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(ii) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in enrolled ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision so that the department can calculate the district's enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, and for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

The enrollment reported and certified by the superintendent, except as otherwise provided in this division, shall consist of the number of students in grades six through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the

Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:

(a) Students enrolled in each individual grade included in the joint vocational district schools, including any student described in division (D)(1)(b) of this section;

(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(h) Students receiving category one career-technical education services,

described in division (A)(1) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(i) Students receiving category two career-technical education services, described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(j) Students receiving category three career-technical education services, described in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(k) Students receiving category four career-technical education services, described in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(l) Students receiving category five career-technical education services, described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(m) English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D)(1)(b) of this section. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) or (D) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as

enrolled prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as enrolled from and after the date of such withdrawal. There shall not be included in the enrollment of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;

(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.

If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.

Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

The ~~enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one through three English learner ADM, category one through six special education ADM, preschool scholarship ADM, transportation ADM,~~ and, for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership of any school district shall be determined in accordance with rules adopted by the state board of education.

(F)(1) If a student attending a community school under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code is not included in the formula ADM calculated for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the student in accordance with division (C)(2) of this section, ~~and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district ~~from~~ in which the ~~department deducts funds for the scholarship under section 3310.08 of the Revised Code~~ student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district ~~from~~ in which the ~~department deducts funds for the scholarship under section 3310.55 of the Revised Code~~ student resides, the department shall adjust the formula ADM of that school district to include the student ~~to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.~~

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the

categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the superintendent of public instruction.

(2) The superintendent of each county board of developmental disabilities that maintains special education classes under section 3317.20 of the Revised Code or provides services to preschool children with disabilities pursuant to an agreement between the county board and the appropriate school district shall do both of the following:

(a) Certify to the state board, in the manner prescribed by the board, the enrollment in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;

(b) Certify to the state board, in the manner prescribed by the board, the unduplicated count of the number of all preschool children with disabilities enrolled in classes for which the board is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code, and the number of those classes.

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I) ~~(I)~~ This division shall not apply on or after the effective date of this amendment.

(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to

3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the ~~formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code~~ district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

Sec. 3317.051. (A) ~~As used in this section, "gifted unit ADM" means a school district's formula ADM minus the number of students reported by a district under divisions (A)(2)(a) and (i) of section 3317.03 of the Revised Code.~~

~~(B)~~ The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

~~(C)~~ (B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years 2022 and 2023:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

~~(2)~~ (b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every ~~1,100~~ 140 gifted students ~~in a district's gifted unit ADM enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code,~~ with a minimum of 0.3 units allocated for the district.

~~(D)~~ (c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section

3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay the following amount to a school district for gifted units as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following sum:

~~\$37,370 multiplied by (\$85,776 X the number of units allocated to a school district under division (C) (B)(1) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(2) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(3) of this section X the district's state share percentage)~~

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

~~(E)(D)~~ A school district may assign gifted unit funding that it receives under division ~~(D)~~(C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools under division (E)(2) of section 3317.024 of the Revised Code shall be used for one or more of the following purposes:

(1) To purchase secular textbooks or digital texts, as defined in divisions (A)(1) and (2) of section 3317.06 of the Revised Code, as have been approved by the superintendent of public instruction for use in public schools in the state. Textbooks purchased in accordance with this division may be disposed of four years after the date of purchase;

(2) To provide the services described in divisions (B), (C), (D), and (Q) of section 3317.06 of the Revised Code;

(3) To provide the services described in divisions (E), (F), (G), and (I) of section 3317.06 of the Revised Code. If such services are provided in public schools or in public centers, transportation to and from such facilities shall be provided by the nonpublic school.

(4) To supply for use by pupils attending the school such standardized tests and scoring services as are in use in the public schools of the state;

(5) To hire clerical personnel to assist in the administration of divisions (A)(2), (3), and (4) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section. These personnel shall perform their services in the public schools, in

nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. All services provided pursuant to this section may be provided under contract with school districts, educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

(6) To purchase any of the materials described in division (K) of section 3317.06 of the Revised Code;

(7) To purchase any of the equipment described in division (L) of section 3317.06 of the Revised Code;

(8) To purchase mobile units to be used for the provision of services pursuant to division (A)(3) of this section and to pay for necessary repairs and operating costs associated with these units;

(9) To purchase the equipment described in division (O) of section 3317.06 of the Revised Code;

(10) To procure and pay for security services described in division (P) of section 3317.06 of the Revised Code.

(B) Materials, equipment, computer hardware and software, textbooks, digital texts, and health and remedial services provided pursuant to this section and the admission of pupils to nonpublic schools shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers.

(C) Any interest earned by a chartered nonpublic school on moneys paid to it under division (E)(2) of section 3317.024 of the Revised Code shall be used by the school for the same purposes and in the same manner as the payments may be used under this section.

(D) The department of education shall adopt guidelines and procedures regarding both of the following:

(1) The expenditure of moneys under this section;

(2) The audit of nonpublic schools receiving funds under this section to ensure the appropriate use of funds.

(E) The department shall adopt a rule specifying the party that owns any property purchased by a chartered nonpublic school with moneys paid under division (E)(2) of section 3317.024 of the Revised Code. The rule shall include procedures for disposal of the property by the designated owner when appropriate.

(F) Within thirty days after the end of each biennium, each chartered nonpublic school shall remit to the department all moneys paid to it under

division (E)(2) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the moneys were appropriated and during which the interest was earned. If a school subsequently determines that the remittal of moneys leaves the school with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted moneys were appropriated, the school may apply to the department for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, the department shall make a refund in the necessary amount.

(G) All services provided and purchases made pursuant to this section may be acquired under contract with school districts, educational service centers, the department of health, city or general health districts, or private entities.

(H) When a chartered nonpublic school has materials or equipment purchased in accordance with division (A)(6) or (7) of this section that are no longer needed for school use, are obsolete, are unfit for the use for which they were acquired, or have been in the school's possession for at least four years, the school may dispose of that property in accordance with the school's disposal procedures, which may include donation, sale, trade, or permanent disposal. The school shall remit to the state treasury the proceeds from any sale made in accordance with this division.

Sec. 3317.063. The superintendent of public instruction, in accordance with rules adopted by the department of education, shall annually reimburse each chartered nonpublic school for the actual mandated service administrative and clerical costs incurred by such school during the preceding school year in preparing, maintaining, and filing reports, forms, and records, and in providing such other administrative and clerical services that are not an integral part of the teaching process as may be required by state law or rule or by requirements duly promulgated by city, exempted village, or local school districts. The mandated service costs reimbursed pursuant to this section shall include, but are not limited to, the preparation, filing and maintenance of forms, reports, or records and other clerical and administrative services relating to state chartering or approval of the nonpublic school, pupil attendance, pupil health and health testing, transportation of pupils, federally funded education programs, pupil appraisal, pupil progress, educator licensure, unemployment and workers' compensation, transfer of pupils, and such other education related data which are now or hereafter shall be required of such nonpublic school by

state law or rule, or by requirements of the state department of education, other state agencies, or city, exempted village, or local school districts.

The reimbursement required by this section shall be for school years beginning on or after July 1, 1981.

Each nonpublic school which seeks reimbursement pursuant to this section shall submit to the superintendent of public instruction an application together with such additional reports and documents as the department of education may require. Such application, reports, and documents shall contain such information as the department of education may prescribe in order to carry out the purposes of this section. No payment shall be made until the superintendent of public instruction has approved such application.

Each nonpublic school which applies for reimbursement pursuant to this section shall maintain a separate account or system of accounts for the expenses incurred in rendering the required services for which reimbursement is sought. Such accounts shall contain such information as is required by the department of education and shall be maintained in accordance with rules adopted by the department of education.

Reimbursement payments to a nonpublic school for a school year pursuant to this section shall not exceed an the per-pupil amount specified by the general assembly for each that school year ~~equal to three hundred sixty dollars per pupil enrolled in that nonpublic school.~~

The superintendent of public instruction may, from time to time, examine any and all accounts and records of a nonpublic school which have been maintained pursuant to this section in support of an application for reimbursement, for the purpose of determining the costs to such school of rendering the services for which reimbursement is sought. If after such audit it is determined that any school has received funds in excess of the actual cost of providing such services, said school shall immediately reimburse the state in such excess amount.

Any payments made to chartered nonpublic schools under this section may be disbursed without submission to and approval of the controlling board.

Sec. 3317.064. (A) There is hereby established in the state treasury the auxiliary services reimbursement fund. By the thirtieth day of January of each odd-numbered year, the director of job and family services and the superintendent of public instruction shall determine the amount of any excess moneys in the auxiliary services personnel unemployment compensation fund not reasonably necessary for the purposes of section 4141.47 of the Revised Code, and shall certify such amount to the director

of budget and management for transfer to the auxiliary services reimbursement fund. If the director of job and family services and the superintendent disagree on such amount, the director of budget and management shall determine the amount to be transferred.

(B) Except as provided in divisions (C) and (D) of this section, moneys in the auxiliary services reimbursement fund shall be used for the relocation or for the replacement and repair of mobile units used to provide the services specified in division (E), (F), (G), or (I) of section 3317.06 of the Revised Code. The state board of education shall adopt guidelines and procedures for replacement, repair, and relocation of mobile units and the procedures under which a school district may apply to receive moneys with which to repair or replace or relocate such units.

(C) School districts and educational service centers may apply to the department for moneys from the auxiliary services reimbursement fund for payment of incentives for early retirement and severance for school district personnel assigned to provide services authorized by section 3317.06 of the Revised Code at chartered nonpublic schools. The portion of the cost of any early retirement or severance incentive for any employee that is paid using money from the auxiliary services reimbursement fund shall not exceed the percentage of such employee's total service credit that the employee spent providing services to chartered nonpublic school students under section 3317.06 of the Revised Code.

(D) The department of education may use a portion of the moneys in the auxiliary services reimbursement fund to make payments for chartered nonpublic school students under section 3365.07 of the Revised Code, in accordance with rules adopted pursuant to section 3365.071 of the Revised Code.

Sec. 3317.071. For fiscal years 2022 and 2023, the department of education shall implement a program to distribute bus purchasing grants of not less than \$45,000 to city, local, and exempted village school districts for the purpose of replacing the oldest and highest mileage buses in the state assigned to routes. The department shall annually collect age, mileage, and vehicle condition data from districts through its transportation data collection system.

Sec. 3317.072. (A) The transportation collaboration fund is hereby created in the state treasury for fiscal years 2022 and 2023. The fund shall consist of money appropriated for this purpose by the general assembly. The department of education shall use money in the fund for grants awarded under this section.

(B)(1) For fiscal years 2022 and 2023, the department shall award

transportation collaboration grants each fiscal year to city, local, and exempted village school districts for efforts that lead to shared resource management, routing consolidation, regional collaboration, or other activities that have the potential to reduce transportation operating costs.

(2) The department shall determine the amount of each grant awarded, but no grant shall exceed \$10,000 for any fiscal year.

(3) The department shall adopt rules regarding all of the following:

(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted;

(b) The application form for grants awarded under this section;

(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years;

(d) Any other rules necessary to implement the provisions of this section.

Sec. 3317.11. (A) As used in this section:

(1) For fiscal years 2022 and 2023, "base amount" is equal to \$356,250.

(2) For fiscal years 2022 and 2023, "funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020.

(3) For fiscal years 2022 and 2023, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years 2022 and 2023, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years 2022 and 2023, the department of education shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year 2024 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022 and 2023, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(2) If the educational service center has a student count greater than

5,000 students but less than or equal to 35,000 students, the following sum:
The base amount + [(the educational service center's student count - 5,000)
X \$24.72]

(3) If the educational service center has a student count greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90]

Sec. 3317.16. ~~(A)~~ The department of education shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as prescribed in the following divisions follows:

For fiscal years 2022 and 2023:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4),

(5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year]

For fiscal year 2024 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), and (6) of this section.

(A) A district's state core foundation funding components shall be all of the following:

(1) ~~An opportunity grant~~ The district's state share of the base cost, which is equal to the following:

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula:

(The ~~formula amount X formula ADM~~ district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation)

However, no district shall receive an ~~opportunity grant~~ amount under division (A)(1) of this section that is less than 0.05 times the ~~formula amount times formula ADM~~ base cost calculated for the district under section 3317.012 of the Revised Code.

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

~~(a)(i)~~ The district's category one special education ADM X the amount multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(b)(ii)~~ The district's category two special education ADM X the amount multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(c)(iii)~~ The district's category three special education ADM X the amount multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(d)(iv)~~ The district's category four special education ADM X the amount multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(e)(v)~~ The district's category five special education ADM X the amount multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(f)(vi)~~ The district's category six special education ADM X the amount multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.

(3) Economically disadvantaged funds Disadvantaged pupil impact aid

calculated as follows:

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula:

~~\$272~~ \$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(4) English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

~~(a)(i)~~ (i) The district's category one English learner ADM X the amount multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(b)(ii)~~ (ii) The district's category two English learner ADM X the amount multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

~~(c)(iii)~~ (iii) The district's category three English learner ADM X the amount multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.

~~(5) Career-technical education funds calculated as the sum of the following:~~

~~(a) The district's category one career technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;~~

~~(b) The district's category two career technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;~~

~~(c) The district's category three career technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X~~

~~the district's state share percentage;~~

~~(d) The district's category four career technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;~~

~~(e) The district's category five career technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.~~

~~Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code under division (C) of section 3317.014 of the Revised Code.~~

(6) Career-technical education associated services funds calculated under the following formula:

~~The district's state share percentage X the amount for career technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career technical education ADM~~

(7) A graduation bonus calculated according to the following formula:

~~The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.075 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued X the district's state share percentage~~
division (D) of section 3317.014 of the Revised Code.

(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:

(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost;

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational school district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section.

Those excess costs shall be calculated using a formula approved by the department.

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.

(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

~~(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career technical education expenses. Career technical education expenses approved by the department shall include only expenses connected to the delivery of career technical programming to career technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.~~

~~(2) All funds received under division (A)(5) of this section shall be~~

spent in the following manner:

~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~

~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~

~~(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career technical education services, career technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.~~

~~(F) A joint vocational school district shall spend the funds it receives under division (A)(3) of this section in accordance with section 3317.25 of the Revised Code.~~

~~(G)(E) For fiscal years 2022 and 2023, a school district shall spend the funds it receives under division (A)(4) of this section only for services for English learners.~~

~~(F) As used in this section:~~

~~(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.~~

~~(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~

~~(3) "State share percentage" is equal to the following:~~

~~The amount computed under division (A)(1) of this section / (the formula amount X formula ADM)~~

~~Sec. 3317.161. (A) As used in this section, "lead district" has the same~~

meaning as in section 3317.023 of the Revised Code.

(B)(1) A career-technical education program of a city, local, or exempted village school district, community school, or STEM school shall be subject to approval under this section in order for the district or school to qualify for state funding for the program. Approval granted under this section shall be valid for the five fiscal years following the fiscal year in which the program is approved and may be renewed. Approval shall be subject to annual review under division (E) of this section.

(2) If a district or school becomes a new member of a career-technical planning district, its career-technical education programs shall be approved or disapproved by the lead district of the career-technical planning district during the fiscal year in which the district or school becomes a member of the career-technical planning district. Any program of the district or school that was approved by the department of education for an approval period that includes the fiscal year in which the district or school becomes a new member of the career-technical planning district shall retain its approved status during that fiscal year.

(3) If an existing member of a career-technical planning district develops a new career-technical education program, that program shall be approved or disapproved by the lead district of the career-technical planning district prior to the first fiscal year for which the district or school is seeking funding for the program.

(4) Except as provided in division (B)(2) of this section, if a career-technical education program was approved by the department prior to September 29, 2013, that approval remains valid for the unexpired remainder of the approval period specified by the department. Approval of that program may then be renewed in accordance with this section on a date prior to the expiration of the approval period.

(C)(1) The lead district of a career-technical planning district shall approve or disapprove for a five-year period each career-technical education program of the city, local, and exempted village school districts, community schools, and STEM schools that are assigned by the department to the career-technical planning district. The lead district's decision to approve or disapprove a program shall be based on requirements for career-technical education programs that are specified in rules adopted by the department. These requirements shall include, but are not limited to, all of the following:

(a) Demand for the career-technical education program by industries in the state;

(b) Quality of the program;

(c) Potential for a student enrolled in the program to receive the training

that will qualify the student for industry credentials or post-secondary education;

(d) Admission requirements of the lead district;

(e) Past performance of the district or school that is offering the program;

(f) Traveling distance;

(g) Sustainability;

(h) Capacity;

(i) Availability of the program within the career-technical planning district;

(j) In the case of a new program, the cost to begin the program.

(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.

If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.

(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of

this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district; ~~or the deduction from the state education aid of a district and payment to a community school or STEM school;~~ of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department.

(5) The department's decisions under divisions (D)(1) and (2) of this section shall be final and not appealable.

(6) The superintendent of public instruction may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D)(1) or (2) of this section has passed.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the department of education shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) – (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the district's funding base, as that term is defined in section 3317.02 of the Revised Code, as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code.

Sec. 3317.20. This section does not apply to preschool children with

disabilities.

(A) As used in this section:

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section.

(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) "State share ~~index~~ percentage" means the state share ~~index~~ percentage of the child's school district.

(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount equal to the ~~formula amount~~ following:

(1) For fiscal years 2022 and 2023, the statewide average base cost per pupil + (state share ~~index~~ percentage X the applicable special education ~~amount~~ multiple X the statewide average base cost per pupil);

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.

(C) Each county board of developmental disabilities shall report to the department, in the manner specified by the department, the name of each child for whom the county board of developmental disabilities provides special education and related services and the child's school district.

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name

and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool children with disabilities.

(A) As used in this section, the "total special education amount" for an institution means the following:

(1) For fiscal years 2022 and 2023, the sum of the following amounts:

~~(1)~~(a) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code multiplied by the amount multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(2)~~(b) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code multiplied by the amount multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(3)~~(c) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code multiplied by the amount multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(4)~~(d) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code multiplied by the amount multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(5)~~(e) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code multiplied by the amount multiple specified in that division multiplied by the statewide average base cost per pupil;

~~(6)~~(f) The number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code multiplied by the ~~amount~~ multiple specified in that division multiplied by the statewide average base cost per pupil.

(2) For fiscal year 2024 and each fiscal year thereafter, the sum of the following amounts:

(a) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (A) of section 3317.013 of the Revised Code;

(b) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (B) of section 3317.013 of the Revised Code;

(c) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (C) of section 3317.013 of the Revised Code;

(d) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the

institution's total special education amount.

Sec. 3317.25. (A) As used in this section, "~~economically disadvantaged funds~~ disadvantaged pupil impact aid" means the following:

(1) For a city, local, or exempted village school district, the funds received under division ~~(A)(5)~~ (A)(4) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division ~~(C)(1)(e)(A)(4)(b)~~ of section 3314.08 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division ~~(E)(A)(4)(b)~~ of section 3326.33 of the Revised Code.

~~(B) In any fiscal year~~ (1) For fiscal years 2022 and 2023, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the ~~economically disadvantaged funds~~ disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives:

~~(1)~~(a) Extended school day and school year;

~~(2)~~(b) Reading improvement and intervention;

~~(3)~~(c) Instructional technology or blended learning;

~~(4)~~(d) Professional development in reading instruction for teachers of students in kindergarten through third grade;

~~(5)~~(e) Dropout prevention;

~~(6)~~(f) School safety and security measures;

~~(7)~~(g) Community learning centers that address barriers to learning;

~~(8)~~(h) Academic interventions for students in any of grades six through twelve;

~~(9)~~(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;

(j) Mental health services, including telehealth services;

(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;

(l) Services for homeless youth;

(m) Services for child welfare involved youth;

(n) Community liaisons or programs that connect students to community

resources, including city connects, communities in schools, and other similar programs;

(o) Physical health care services, including telehealth services;

(p) Family engagement and support services;

(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.

(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.

(C)(1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:

(a) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;

(b) An educational service center;

(c) A county board of developmental disabilities;

(d) A community-based mental health treatment provider;

(e) A board of health of a city or general health district;

(f) A county department of job and family services;

(g) A nonprofit organization with experience serving children;

(h) A public hospital agency.

(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.

At (D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's ~~economically disadvantaged funds~~ disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 and 2023, this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.

~~(D)~~(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.

Sec. 3318.038. (A) As used in this section:

(1) "Drinking fountain" means a fountain to which all of the following apply:

(a) The fountain is designed to allow an individual to drink from the fountain.

(b) The fountain dispenses filtered, clean drinking water.

(c) The fountain is equipped with a protective cowl.

(d) The fountain is equipped with a water spout at least one inch above the overflow rim of the fountain.

(2) "Water bottle filling station" means a station to which ~~both~~ all of the following apply:

(a) The station is designed to fill a bottle with water.

(b) The station dispenses filtered, clean drinking water.

(c) The station is accessible to all people in compliance with the "Americans With Disabilities Act of 1990," 42 U.S.C. 12101 et seq.

(d) The station may be integrated into a drinking fountain as a combination unit.

(B) When reviewing design plans for a classroom facility construction project proposed under this chapter, the Ohio facilities construction commission shall require that each classroom facility included in the project shall contain, or provide for in the design plans, all of the following as a condition of approval of the project:

(1) A minimum of two water bottle filling stations in each building;

(2) A minimum of one ~~drinking fountain or~~ water bottle filling station or combination unit on each floor and wing of each building;

(3) A minimum of one ~~drinking fountain or~~ water bottle filling station or combination unit for every one hundred students projected to attend the building upon completion of the project;

(4) A minimum of one water bottle filling station in or near each cafeteria, gymnasium, outdoor recreation space, or other high-traffic area.

(C) Each school district board of education or school governing body shall ensure that each drinking fountain ~~and~~ water bottle filling station, or combination unit installed in a classroom facility included in a project under this chapter is regularly cleaned and maintained.

(D) Each district board or school governing body shall permit students, teachers, and other school staff to carry and use water bottles that are made

of material that is not easily breakable, have lids to prevent spills, and are filled exclusively with water. However, a district board or school governing body may prohibit water bottles from a library, computer lab, science lab, or other location where the district board or school governing body determines it is dangerous to have drinking water. A district board or school governing body may issue a disciplinary action for misuse of a water bottle.

(E) The requirements of this section are in addition to the requirements of Chapters 3781. and 3791. of the Revised Code and any rule adopted pursuant to those chapters.

Sec. 3319.087. Notwithstanding section 3319.086 of the Revised Code, all regular nonteaching school employees employed on an eleven or twelve month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay, provided each such employee accrued earnings on ~~his~~ the employee's next preceding and ~~his~~ next following scheduled work days before and after such holiday or was properly excused from attendance at work on either or both of those days: New Year's day, Martin Luther King day, Memorial day, Independence day, Labor day, Thanksgiving day, and Christmas day of each year. All regular nonteaching school employees employed on a nine or ten month basis, whether salaried or compensated on an hourly or per diem basis, are entitled to a minimum of the following holidays for which they shall be paid their regular salary or their regular rate of pay, provided each such employee accrued earnings on ~~his~~ the employee's next preceding and next following scheduled work days before and after such holiday or was properly excused from attendance at work on either or both of those days: New Year's day, Martin Luther King day, Memorial day, Juneteenth day, Labor day, Thanksgiving day, and Christmas day of each year. Regular nonteaching school employees employed less than nine months shall be entitled to a minimum of those holidays enumerated in this section which fall during the employees' time of employment. In addition to the above named holidays, a board of education may declare any other day, except days approved for teachers' attendance at an educational meeting, as a holiday and shall pay to all such regular nonteaching school employees, whether salaried or compensated on an hourly or per diem basis, their regular salary or their regular rate of pay. When any employee is required by ~~his~~ the employee's responsible administrative superior to work on any of the paid holidays, ~~he~~ the employee shall be granted compensatory time off for which ~~he~~ the employee shall be paid ~~his~~ the employee's regular salary or ~~at his~~ regular rate of pay, or a board of education may establish a premium rate of pay for

work performed on a paid holiday. Holidays shall occur on the days specified in section 1.14 of the Revised Code.

For purposes of determining whether a person who is not in the employ of a board of education on Labor day is in compliance with the requirement of this section that states that in order for a nonteaching employee to be eligible for Labor day holiday pay ~~he~~ the employee must have accrued earnings on the scheduled work day immediately preceding Labor day or have been excused from attendance at work on that day, a board of education shall count the employee's last scheduled work day of ~~his~~ the employee's preceding period of employment as ~~his~~ the employee's last scheduled day of employment for purposes of this requirement.

For the purposes of this section, "employed" and "time of employment" mean the period from the initial date of employment to the termination of employment with that school district.

Sec. 3319.151. (A) As used in this section, "assessment" means an assessment administered under section 3301.0711 of the Revised Code.

(B) No person shall ~~reveal~~ do any of the following:

(1) Reveal to any student any specific question that the person knows is part of an assessment ~~to be administered under section 3301.0711 of the Revised Code~~ or in any other way assist a pupil to cheat on such an assessment;

(2) Obtain prior knowledge of the contents of an assessment;

(3) Use prior knowledge of the contents of an assessment to assist students in preparing for the assessment;

(4) Fail to comply with any rule adopted by the department of education regarding security protocols for an assessment.

~~(B)(C)~~ (C) On a finding by the state board of education, after investigation, that a school employee who holds a license ~~issued under sections 3319.22 to~~, as defined in section 3319.31 of the Revised Code, has violated division ~~(A)(B)~~ (B) of this section, ~~the license of such teacher shall be suspended for one year. Prior to commencing an investigation,~~ the state board shall take any action against the employee under section 3319.31 of the Revised Code that it considers appropriate, based on the nature and extent of the violation. The state board shall give the teacher employee notice of the allegation and upon commencing an investigation and shall give the employee an opportunity to respond and present a defense prior to taking any disciplinary action.

~~(C)(D)~~ (D) (1) Violation of division ~~(A)(B)~~ (B) of this section is grounds for termination of employment of a nonteaching employee under division (C) of section 3319.081 or section 124.34 of the Revised Code.

(2) Violation of division ~~(A)(B)~~ (B) of this section is grounds for

termination of a teacher contract under section 3311.82 or 3319.16 of the Revised Code.

Sec. 3319.227. (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to each person who is assigned to teach in this state as a participant in the teach for America program and who satisfies the following conditions for the duration of the program:

(1) Holds a bachelor's degree from an accredited institution of higher education;

(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;

(3) Has passed an examination prescribed by the state board in the subject area to be taught;

(4) Has successfully completed the summer training institute operated by teach for America;

(5) Remains an active member of the teach for America two-year support program.

(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section.

(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A)(1) to (4) of this section. The state board shall credit an applicant under this division as having completed two years of the teacher residency program under section 3319.223 of the Revised Code.

(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an equivalent amount of coursework. Nothing in this division shall require any teach for America participant to complete a master's degree as a condition of holding a license issued under this section.

(E) The superintendent of public instruction, on behalf of the state

board, shall ~~revoke~~ inactivate a resident educator license issued to a participant in the teach for America program who is assigned to teach in this state if the participant resigns or is dismissed from the program prior to completion of the two-year teach for America support program. The inactivation of a license under this division does not constitute a suspension or revocation of the license by the state board under section 3319.31 of the Revised Code and the state board and the state superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 132nd general assembly, the state board of education shall accept applications for new, and for renewal of, professional career-technical teaching licenses through June 30, 2019, and issue them on the basis of the applications received by that date in accordance with the rules described in that former section. Except as otherwise provided in divisions (A)(2) and (3) of this section, beginning July 1, 2019, the state board shall issue career-technical workforce development educator licenses only under this section.

(2) An individual who, on July 1, 2019, holds a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code, may continue to renew that license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(3) An individual who, on July 1, 2019, holds an alternative resident educator license for teaching career-technical education issued under section 3319.26 of the Revised Code may, upon the expiration of the license, apply for a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code. Such an individual may continue to renew the professional license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(B) The state board, in collaboration with the chancellor of higher education, shall adopt rules establishing standards and requirements for obtaining a two-year initial career-technical workforce development educator license and a five-year advanced career-technical workforce development educator license. Each license shall be valid for teaching

career-technical education or workforce development programs in grades four through twelve. The rules shall require applicants for either license to have a high school diploma or a certificate of high school equivalence as awarded under section 3301.80 of the Revised Code or as recognized as the equivalent of such certificate under division (C) of that section.

(C)(1) The state board shall issue an initial career-technical workforce development educator license to an applicant upon request from the superintendent of a school district that has agreed to employ the applicant. In making the request, the superintendent shall provide documentation, in accordance with procedures prescribed by the department of education, showing that the applicant has at least five years of work experience, or the equivalent, in the subject area in which the applicant will teach. The license shall be valid for teaching only in the requesting district. The superintendent also shall provide documentation, in accordance with procedures prescribed by the department, that the applicant is enrolled in a career-technical workforce development educator preparation program offered by an institution of higher education that has an existing teacher preparatory program in place that meets all of the following criteria:

- (a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles;
- (b) Provides classroom support to the license holder;
- (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;
- (d) Is aligned with career-technical education and workforce development competencies developed by the department;
- (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d) of this section to evaluate the license holder's knowledge and skills;
- (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.

(2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C)(1) of this section.

(3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C)(1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.

(D) The state board shall issue an advanced career-technical workforce

development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district.

(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.

(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

Sec. 3319.236. (A) Except as provided in division (B) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses.

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously completed a pedagogy course applicable to the grade levels in which the individual is teaching.

(C) In order for an individual to teach advanced placement computer science courses, a school district shall require the individual to also complete a professional development program endorsed or provided by the organization that creates and administers national advanced placement

examinations. For this purpose, the individual may complete the program at any time during the calendar year.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science courses" means any courses that are reported in the education management information system established under section 3301.0714 of the Revised Code as computer science courses and which are aligned to computer science standards adopted by the state board of education.

Sec. 3319.31. (A) As used in this section and sections 3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" means a certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code.

(B) For any of the following reasons, the state board of education, except as provided in division (H) of this section and in accordance with Chapter 119. and section 3319.311 of the Revised Code, may refuse to issue a license to an applicant; may limit a license it issues to an applicant; may suspend, revoke, or limit a license that has been issued to any person; or may revoke a license that has been issued to any person and has expired:

(1) Engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the applicant's or person's position;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the following:

(a) A felony other than a felony listed in division (C) of this section;

(b) An offense of violence other than an offense of violence listed in division (C) of this section;

(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section;

(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section;

(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B)(2)(a) to (d) of this section.

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B)(2) or (C) of this section;

(4) Failure to comply with section 3314.40, 3319.313, 3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code.

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this division applies and has expired in the same manner as a license that has not expired.

Revocation of a license or denial of renewal of a license under this division is effective immediately at the time and date that the board or superintendent issues the written order and is not subject to appeal in accordance with Chapter 119. of the Revised Code. Revocation of a license or denial of renewal of license under this division remains in force during the pendency of an appeal by the person of the plea of guilty, finding of guilt, or conviction that is the basis of the action taken under this division.

The state board or superintendent shall take the action required by this division for a violation of division (B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; felonious sexual penetration in violation of former section 2907.12 of the Revised Code; or a violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in this paragraph.

(D) The state board may delegate to the superintendent of public instruction the authority to revoke a person's license or to deny renewal of a license to a person under division (C) or (F) of this section.

(E)(1) If the plea of guilty, finding of guilt, or conviction that is the

basis of the action taken under division (B)(2) or (C) of this section, or under the version of division (F) of section 3319.311 of the Revised Code in effect prior to September 12, 2008, is overturned on appeal, upon exhaustion of the criminal appeal, the clerk of the court that overturned the plea, finding, or conviction or, if applicable, the clerk of the court that accepted an appeal from the court that overturned the plea, finding, or conviction, shall notify the state board that the plea, finding, or conviction has been overturned. Within thirty days after receiving the notification, the state board shall initiate proceedings to reconsider the revocation or denial of the person's license in accordance with division (E)(2) of this section. In addition, the person whose license was revoked or denied may file with the state board a petition for reconsideration of the revocation or denial along with appropriate court documents.

(2) Upon receipt of a court notification or a petition and supporting court documents under division (E)(1) of this section, the state board, after offering the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, shall determine whether the person committed the act in question in the prior criminal action against the person that is the basis of the revocation or denial and may continue the revocation or denial, may reinstate the person's license, with or without limits, or may grant the person a new license, with or without limits. The decision of the board shall be based on grounds for revoking, denying, suspending, or limiting a license adopted by rule under division (G) of this section and in accordance with the evidentiary standards the board employs for all other licensure hearings. The decision of the board under this division is subject to appeal under Chapter 119. of the Revised Code.

(3) A person whose license is revoked or denied under division (C) of this section shall not apply for any license if the plea of guilty, finding of guilt, or conviction that is the basis of the revocation or denial, upon completion of the criminal appeal, either is upheld or is overturned but the state board continues the revocation or denial under division (E)(2) of this section and that continuation is upheld on final appeal.

(F) The state board may take action under division (B) of this section, and the state board or the superintendent shall take the action required under division (C) of this section, on the basis of substantially comparable conduct occurring in a jurisdiction outside this state or occurring before a person applies for or receives any license.

(G) The state board may adopt rules in accordance with Chapter 119. of the Revised Code to carry out this section and section 3319.311 of the Revised Code.

(H) The state board shall not refuse to issue a license to an applicant because of a conviction of, a plea of guilty to, or a finding of guilt by a jury or court of an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 3319.318. (A) As used in this section:

(1) "School representative" includes all of the following:

(a) An employee of a school district, chartered nonpublic school, or county board of developmental disabilities;

(b) An employee of an entity with which a school district, chartered nonpublic school, or county board of developmental disabilities contracts for the provision of services;

(c) A member of a school district board of education, chartered nonpublic school governing body, or county board of developmental disabilities.

(2) "Student" means a child who is enrolled in a school district or chartered nonpublic school or who is receiving services from a county board of developmental disabilities.

(B) Except as provided in division (C) of this section, no school representative shall knowingly engage in any activity intended to assist another individual in obtaining employment with a school district or chartered nonpublic school, or in obtaining employment with a county board of developmental disabilities in a position responsible for providing educational services to children from six through twenty-one years of age, other than transmitting administrative and personnel files to the prospective employer, if the school representative knows or has reasonable cause to believe that the individual has committed an offense listed in Chapter 2907. of the Revised Code, or a substantially comparable offense, involving a student.

(C) Division (B) of this section shall not apply if the information on which the knowledge or reasonable cause is based has been reported to appropriate law enforcement authorities or, if applicable, to the appropriate public children services agency under section 2151.421 of the Revised Code and one of the following conditions is met:

(1) Law enforcement authorities have investigated the alleged offense and determined that there is insufficient information to indict the individual for the alleged offense.

(2) The individual has not been indicted for the alleged offense within four years after the date the alleged offense was reported to law enforcement authorities or a public children services agency.

(3) The individual has been acquitted or otherwise exonerated of the

offense.

Sec. 3319.319. The appointing or hiring officer of a school district or school located in Ohio or another state may request from the department of education any report the department has received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code regarding an individual who is under consideration for employment by the district or school. If the department has received a report under any of those sections regarding the individual, the department shall provide the contents of the report to the requesting officer. Upon provision of the contents of the report to the requesting officer, the department shall notify the officer that the information provided is confidential and may not be disseminated to any other person or entity.

If the department provides the contents of a report to an appointing or hiring officer under this section, the department shall document the information provided in the record of any investigation undertaken pursuant to section 3319.311 of the Revised Code based on the report. Such documentation shall include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom the information was provided.

Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface type in each employment application: "ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE."

(B)(1) Each district and chartered nonpublic school shall consult the "educator profile" database maintained on the web site of the department of education prior to making any hiring decision.

(2) After consulting the "educator profile" database, a district or chartered nonpublic school may further discern the employment, disciplinary, or criminal record of an applicant for employment in either or both of the following ways:

(a) Consulting the office of professional conduct within the department of education in accordance with section 3319.319 of the Revised Code to determine whether the individual has been the subject of either:

(i) Any notice to the department under section 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code;

(ii) Any disciplinary actions conducted by the department.

(b) Consulting any prior education-related employers of the individual.

(3) A district or chartered nonpublic school may require additional

background checks other than the criminal records checks authorized under sections 109.574 to 109.577 of the Revised Code or those required under section 3319.39 or 3319.391 of the Revised Code for any applicant for employment or potential volunteer.

(C) A district or chartered nonpublic school may conditionally employ an individual pending the receipt of information sought in accordance with division (B)(2) of this section. Should that information indicate that the individual has engaged in conduct unbecoming to the teaching profession or has committed an offense that prevents, limits, or otherwise affects the applicant's employment with the district or school, the district or chartered nonpublic school may release the individual from employment.

Sec. 3319.47. The school districts, public schools, and chartered nonpublic schools of this state may provide counseling to any victim of sexual harassment or sexually related conduct.

Sec. 3319.57. (A) A grant program is hereby established under which the department of education shall award grants to assist certain schools in a city, exempted village, local, or joint vocational school district in implementing one of the following innovations:

(1) The use of instructional specialists to mentor and support classroom teachers;

(2) The use of building managers to supervise the administrative functions of school operation so that a school principal can focus on supporting instruction, providing instructional leadership, and engaging teachers as part of the instructional leadership team;

(3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions;

(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;

(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;

(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;

(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;

(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;

(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;

(11) The implementation of a program to increase the subject matter competency of veteran teachers.

(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:

(1) Be hard to staff, as defined by the department.

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share ~~index~~ percentage for the fiscal year in which the grant is awarded).

For purposes of division (B)(2) of this section, "state share ~~index~~ percentage" has the same meaning as in section 3317.02 of the Revised Code.

(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.

(D) The state board of education shall adopt rules for the administration of this grant program.

Sec. 3319.60. There is hereby established the educator standards board. The board shall develop and recommend to the state board of education standards for entering and continuing in the educator professions and standards for educator professional development. The board membership shall reflect the diversity of the state in terms of gender, race, ethnic background, and geographic distribution.

(A) The board shall consist of the following members:

(1) The following ~~eighteen~~ nineteen members appointed by the state board of education:

(a) Ten persons employed as teachers in a school district. Three persons appointed under this division shall be employed as teachers in a secondary school, two persons shall be employed as teachers in a middle school, three persons shall be employed as teachers in an elementary school, one person shall be employed as a teacher in a pre-kindergarten classroom, and one person shall be a teacher who serves on a local professional development

committee pursuant to section 3319.22 of the Revised Code. At least one person appointed under this division shall hold a teaching certificate or license issued by the national board for professional teaching standards. The Ohio education association shall submit a list of fourteen nominees for these appointments and the state board ~~shall~~ may appoint up to seven members to the educator standards board from that list. The Ohio federation of teachers shall submit a list of six nominees for these appointments and the state board ~~shall~~ may appoint up to three members to the educator standards board from that list. If there is an insufficient number of nominees from both lists to satisfy the membership requirements of this division, the state board shall request additional nominees who satisfy those requirements.

(b) One person employed as a teacher in a chartered, nonpublic school. Stakeholder groups selected by the state board shall submit a list of two nominees for this appointment.

(c) Five persons employed as school administrators in a school district. Of those five persons, one person shall be employed as a secondary school principal, one person shall be employed as a middle school principal, one person shall be employed as an elementary school principal, one person shall be employed as a school district treasurer or business manager, and one person shall be employed as a school district superintendent. The buckeye association of school administrators shall submit a list of two nominees for the school district superintendent, the Ohio association of school business officials shall submit a list of two nominees for the school district treasurer or business manager, the Ohio association of elementary school administrators shall submit a list of two nominees for the elementary school principal, and the Ohio association of secondary school administrators shall submit a list of two nominees for the middle school principal and a list of two nominees for the secondary school principal.

(d) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment.

(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(f) One person who represents community schools established under Chapter 3314. of the Revised Code.

(2) The chancellor of the Ohio board of regents shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713.

of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch, one shall be employed in a college of education and one shall be employed in a college of arts and sciences.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction or a designee of the superintendent, the chancellor of the Ohio board of regents or a designee of the chancellor, and the chairpersons and the ranking minority members of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members.

(B) Terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members shall select a chairperson and a vice-chairperson. Vacancies on the board shall be filled in the same manner as prescribed for appointments under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The terms of office of members are renewable.

(C) Members shall receive no compensation for their services.

(D) The board shall establish guidelines for its operation. These guidelines shall require the creation of a standing subcommittee on higher education, and shall permit the creation of other standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select persons who are not members of the board to participate in the deliberations of any subcommittee as representatives of stakeholder groups, but no such person shall vote on any issue before the subcommittee.

Sec. 3319.61. (A) The educator standards board, in consultation with the chancellor of higher education, shall do all of the following:

(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for students adopted pursuant to section 3301.079 of the Revised Code, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D)(3) of section 3301.07 of the Revised Code.

(a) The standards for teachers shall reflect the following additional criteria:

(i) Alignment with the interstate new teacher assessment and support consortium standards;

(ii) Differentiation among novice, experienced, and advanced teachers;

(iii) Reliance on competencies that can be measured;

(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;

(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;

(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;

(vii) The Ohio leadership framework.

(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.

(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of

section 3301.07 of the Revised Code.

(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;

(5) Develop standards for educator professional development;

(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;

(7) Develop standards for school counselors that reflect what school counselors are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of academic, personal, and social counseling for students and effective principles to implement an effective school counseling program. The standards also shall reflect Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit using the methods adopted by the state board of education under division (J) of section 3313.603 of the Revised Code and earning college credit through the college credit plus program established under Chapter 3365. of the Revised Code and the career-technical education credit transfer criteria, policies, and procedures established under section 3333.162 of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

The superintendent of public instruction, the chancellor of higher education, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students.

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following:

(1) That teachers have sufficient knowledge to provide appropriate

instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A)(5) of this section shall include the following:

(1) Standards for the inclusion of local professional development committees established under section 3319.22 of the Revised Code in the planning and design of professional development;

(2) Standards that address the crucial link between academic achievement and mental health issues.

(F) The educator standards board shall also perform the following functions:

(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met;

(2) Research, develop, and recommend policies on the professions of teaching and school administration;

(3) Recommend policies to close the achievement gap between students of different subgroups;

(4) Define a "master teacher" in a manner that can be used uniformly by all school districts;

(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by

the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:

(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;

(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;

(c) The model teacher and principal evaluation instruments and processes developed under division (F)(6) of this section.

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider its recommendations if the state board of education so requests, may revise the recommendations, and shall resubmit the recommendations, whether revised or not, to the state board not later than two weeks prior to the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations. The state board of education shall review the recommendations as resubmitted by the educator standards board at the state board's regular meeting that next succeeds the meeting at which the state board requested reconsideration of the initial recommendations and may adopt the standards as resubmitted or, if the resubmitted standards have not addressed the state board's concerns, the state board may modify the standards prior to adopting them. The final responsibility to determine whether to adopt standards as described in division (A) of this section and the content of those standards, if adopted, belongs solely to the state board of education.

Sec. 3319.99. (A) Whoever violates division ~~(A)~~~~(B)~~(1) of section 3319.151 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates division (H)(1) of section 3319.311 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates division (F) of section 3319.313 of the Revised Code shall be punished as follows:

(1) Except as otherwise provided in division (C)(2) of this section, the person is guilty of a misdemeanor of the fourth degree.

(2) The person is guilty of a misdemeanor of the first degree if both of the following conditions apply:

(a) The employee who is the subject of the report that the person fails to submit was required to be reported for the commission or alleged commission of an act or offense involving the infliction on a child of any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child;

(b) During the period between the violation of division (F) of section 3319.313 of the Revised Code and the conviction of or plea of guilty by the person for that violation, the employee who is the subject of the report that the person fails to submit inflicts on any child attending a school district, educational service center, public or nonpublic school, or county board of developmental disabilities where the employee works any physical or mental wound, injury, disability, or condition of a nature that constitutes abuse or neglect of the child.

(D) Whoever violates division (B) or (D) of section 3319.317 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education specifying the number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code. For fiscal years 2022 and 2023, this report shall also specify the number of students served in each category specified in section 3324.03 of the Revised Code.

(B) For fiscal years 2022 and 2023, not later than the thirty-first day of October, the department shall publish both of the following using data submitted by school districts under the education management information system established under section 3301.0714 of the Revised Code:

(1) Services offered by each school district to students identified as gifted in each of the following grade bands:

(a) Kindergarten through third grade;

(b) Fourth through eighth grade;

(c) Ninth through twelfth grade.

(2) The number of licensed gifted intervention specialists and coordinators employed or contracted by each school district.

(C) The department of education shall audit each school district's identification numbers at least once every three years and may select any district at random or upon complaint or suspicion of noncompliance for a further audit to determine compliance with sections 3324.03 to 3324.06 of the Revised Code. If a school district's audit under this division occurs during fiscal year 2022 or 2023, the department shall also audit the district's service numbers.

~~(C)(D)~~ The department shall provide technical assistance to any district found in noncompliance under division ~~(B)~~ (C) of this section. ~~The~~ For fiscal years 2022 and 2023, the department ~~may~~ shall reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant. For fiscal year 2024 and each fiscal year thereafter, the department may reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant.

Sec. 3324.09. ~~Not~~ (A) For fiscal years 2022 and 2023, not later than the thirtieth day of October of each year, the department of education shall publish on its web site each school district's expenditures for the previous fiscal year of the funds received for the previous fiscal year by each school district under division ~~(A)(7)~~ (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students and each district's expenditures of those funds.

(B) For fiscal year 2024 and each fiscal year thereafter, not later than the thirtieth day of October, the department shall publish on its web site each school district's expenditures for the previous fiscal year of funds received under division (A)(6) of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students.

Sec. 3326.01. (A) As used in this chapter:

(1) "Compact career-technical education provider" means two or more city, exempted village, or local school districts that are not members of a joint vocational school district and that have entered into a compact under which students enrolled in any of the participating districts may access career-technical education programs provided by a participating district.

(2) "Comprehensive career-technical education provider" means a city, exempted village, or local school district that is not a member of a joint vocational school district and that provides a comprehensive career-technical education program to all high schools operated by the

district.

(3) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."

(2)(4) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."

(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.

(2) A STEAM school equivalent shall be considered to be a type of STEM school equivalent.

(3) A STEAM program of excellence shall be considered to be a type of STEM program of excellence.

(C)(1) Any reference to a STEM school or science, technology, engineering, and mathematics school in the Revised Code shall be considered to include a STEAM school, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school shall apply to a STEAM school in the same manner, except as otherwise provided in this chapter.

(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

Sec. 3326.02. There is hereby established the STEM committee of the department of education consisting of the following members:

(A) The superintendent of public instruction, or the superintendent's designee;

(B) The chancellor of ~~the Ohio board of regents~~ higher education, or the chancellor's designee;

(C) The director of development, or the director's designee;

(D) Four members of the public, two of whom shall be appointed by the governor, one of whom shall be appointed by the speaker of the house of representatives, and one of whom shall be appointed by the president of the

senate. Members of the public shall be appointed based on their expertise in business or in STEM fields. ~~The initial members of the committee shall be appointed under division (D) of this section not later than forty five days after June 30, 2007.~~

All members of the committee appointed under division (D) of this section shall serve at the pleasure of their appointing authority.

If a member listed in divisions (A) to (C) of this section elects to assign a designee to participate in committee business on the member's behalf, the member shall assign that designation to a single person for the time period in which the designation is effective.

Members of the committee shall receive no compensation for their services. The department of education shall provide administrative support for the committee.

Sec. 3326.03. (A) The STEM committee shall authorize the establishment of ~~and award grants to~~ science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider ~~locating the~~ designating schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, ~~upon a proposal from the governing body,~~ the committee may authorize one or more additional schools to operate as part of that group, provided a proposal for each school is submitted in accordance with this section.

The STEM committee may approve one or more STEM schools to serve only students identified as gifted under Chapter 3324. of the Revised Code.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

(1) A city, exempted village, or local, or joint vocational school district or an educational service center;

(2) Higher education entities;

(3) Business organizations.

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) A statement of which of grades kindergarten through twelve will be offered by the school;

(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

~~(2)~~(3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;

~~(3)~~(4) Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;

(5) Evidence that each school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students in any of grades kindergarten through twelve enrolled in the school, with the goal to prepare ~~those~~ all students for ~~college~~ post-high school learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) ~~Incorporates scientific inquiry and technological design~~ Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in personalized learning;

(d) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

~~(d) Emphasizes personalized learning and teamwork skills.~~

~~(4)~~(6) Evidence that each school ~~will attract school leaders who support~~

leadership supports the curriculum principles of division ~~(C)(3)~~ (C)(5) of this section;

~~(5)(7)~~ (7) A description of how each school's curriculum ~~will be~~ was developed using the curriculum principles described in division (C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

~~(6)(8)~~ (8) Evidence that each school will ~~utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor~~ participate in regular STEM-focused professional development and share knowledge of best practices;

~~(7)(9)~~ (9) Evidence that each school ~~will operate in collaboration with a partnership that includes~~ has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence ~~that this partnership will include~~ of established partnerships with one or more arts organizations.

~~(8)(10)~~ (10) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

~~(9)(11)~~ (11) A description of how each school's assets will be distributed if the school closes for any reason.

(D) A STEM school that is designated under this section may submit an amended proposal to the STEM committee at any time to offer additional grade levels. Upon approval of the amended proposal by the committee, those grades may be offered by the school.

(E)(1) If a school is designated as a STEM school under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (F) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's STEM designation if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a school chooses not to reapply for designation as a STEM school under division (E)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period.

(2) If a school reapplies for its designation as a STEM school under division (E)(1) of this section and the committee has reason to believe that it

is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section.

(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(G) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and (C)(10) of this section and submit the revised proposal to the STEM committee for approval.

(H) Notwithstanding division (B)(1) of this section, on and after the effective date of this amendment, a school operated by a joint vocational school district that was designated as a STEM school prior to that date may maintain that designation provided the school continues to comply with this chapter and all provisions of its proposal and any subsequent amendments to that proposal. However, nothing shall prohibit that school from electing to apply for a designation of STEM school equivalent or distinction as a STEM program of excellence under section 3326.032 or 3326.04 of the Revised Code, respectively.

Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a any of the following schools:

(1) A school operated by a joint vocational school district;

(2) A school offering career-technical education programs that is operated by a school district that is a comprehensive career-technical education provider;

(3) A school offering career-technical education programs that is operated by a school district that is a participant in a compact career-technical education provider;

(4) A community school established under Chapter 3314. of the Revised Code, to a career center, or to a;

(5) A chartered nonpublic school. In

In order to be eligible for this designation, a ~~community school, a career center, or chartered nonpublic~~ school shall submit a proposal that satisfies the requirements of this section.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a ~~community school, career center, or chartered nonpublic~~ school to be designated as a STEM school equivalent.

(B) A proposal for designation as a STEM school equivalent shall include at least the following:

(1) Assurances that the community school, career center, or chartered nonpublic school submitting the proposal has a working partnership with both public and private entities, including higher education entities and business organizations. If the proposal is for a STEAM school equivalent, it also shall include evidence that this partnership includes arts organizations. A statement of which of grades kindergarten through twelve will be offered by the school;

(2) Assurances that the school or career center submitting the proposal will operate in compliance with this section and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;

(3) Evidence that the school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;

(4) Evidence that the school or career center submitting the proposal will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students ~~in any of grades kindergarten through twelve enrolled in the school~~, with the goal to prepare ~~those~~ all students for ~~college post-secondary learning experiences~~, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic

progress;

~~(b) Incorporates scientific inquiry and technological design~~ Emphasizes the use of design thinking as a school-wide approach;

~~(c) Provides opportunities for students to engage in personalized learning;~~

~~(d)~~ Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

~~(d) Emphasizes personalized learning and teamwork skills.~~

~~(4)(5)~~ Evidence that the school or career center submitting the proposal will attract school leaders who support leadership supports the curriculum principles of division ~~(B)(3)~~ (B)(4) of this section;

~~(5)(6)~~ A description of how each the school's or career center's curriculum will be was developed using the principles of division (B)(4) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

~~(6)(7)~~ Evidence that the school or career center submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development participate in regular professional development and share knowledge of best practices;

~~(7)(8)~~ Evidence that the school has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school equivalent, it also shall include evidence of established partnerships with one or more arts organizations.

~~(9)~~ Assurances that the school or career center submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school or career center has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

~~(C)(1)~~ If a school is designated as a STEM school equivalent under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (D) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's designation as a STEM school equivalent if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any

subsequent amendments to that proposal.

If a school chooses not to reapply for designation as a STEM school equivalent under division (C)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period.

(2) If a school reapplies for its designation as a STEM school equivalent under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school equivalent under this section.

(D) If the STEM committee has reason to believe that a school that is designated as a STEM school equivalent under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (C)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(E) A ~~community school, career center, or chartered nonpublic~~ school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school ~~or career center~~ shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.

Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a school operated by a joint vocational school district, a school operated by a comprehensive career-technical

education provider, a school operated by a compact career-technical education provider, or a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to ~~chartered nonpublic~~ such schools.

(2) A ~~community school, career center, or chartered nonpublic~~ school that is designated as a STEM school equivalent under this section shall not be eligible for operating funding under sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code.

(3) A ~~community school, career center, or chartered nonpublic~~ school that is designated as a STEM school equivalent under this section may apply for any of the grants and additional funds described in section 3326.38 of the Revised Code for which the school ~~or career center~~ is eligible.

~~(D)~~(F) If a ~~community school, a career center, or chartered nonpublic~~ school that is designated as a STEM school equivalent under this section intends to close or intends to no longer be designated as a STEM school equivalent, it shall notify the STEM committee of that fact.

~~(E)~~(G) If a ~~community school, a career center, or chartered nonpublic~~ school that is designated as a STEM school equivalent wishes to be designated as a STEAM school equivalent, it may change its existing proposal to include the items required under divisions ~~(B)(1), (B)(3)(e)~~ (B)(4)(d), (B)(8), and (B)(7) (B)(9) of this section and submit the revised proposal to the STEM committee for approval.

~~(F) As used in this section, "career center" means a school building that enrolls students in any of grades nine through twelve and in which a career-technical planning district, as defined in section 3317.023 of the Revised Code, provides career-technical education services that meet standards adopted by the state board of education.~~

Sec. 3326.04. (A) ~~The STEM committee shall award grants to support the operation of grant distinctions as STEM programs of excellence to serve students in any of grades kindergarten through twelve through a request for proposals to STEM programs operated by joint vocational school districts, comprehensive career-technical education providers, compact career-technical education providers, and educational service centers in accordance with this section.~~

(B) ~~Proposals may be submitted by any of the following:~~

~~(1) The board of education of a city, exempted village, or local school district;~~

~~(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;~~

~~(3) The governing authority of a chartered nonpublic school.~~

~~(C)~~ A joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center may submit a proposal to the STEM committee seeking distinction as a STEM program of excellence. The proposal shall demonstrate to the satisfaction of the STEM committee that the program meets at least the following standards:

(1) ~~Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.~~

~~(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~

~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~

~~(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.~~

~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.~~

~~(6) The program will include teacher professional development strategies that are augmented by community and business partners The program will provide students with the opportunity to innovate, develop an entrepreneurial spirit, engage in inquiry, and collaborate with individual accountability.~~

(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in personalized learning;

(d) Includes the arts and humanities. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(4) The district, provider, or service center leadership supports the curriculum principles of division (B)(3) of this section.

(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices.

(6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations.

(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations;

(8) The program's curriculum was developed using the principles described in division (B)(3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code.

~~(D) The STEM committee shall give priority to proposals for new or expanding innovative programs~~(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or

educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's, provider's, or service center's distinction at the end of its five-year period of distinction.

(2) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district, provider, or service center, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The district, provider, or service center shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district, provider, or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's, provider's, or service center's distinction.

(3) The department shall maintain records of the application status and designation renewal deadlines for each joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received a distinction as a STEM program of excellence under this section.

(D) If the STEM committee has reason to believe that a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received a distinction as a STEM program of excellence under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the district's, provider's, or service center's distinction prior to the end of the five-year period during which that distinction is effective. If the committee reviews a district's, provider's, or service center's distinction under this division, it must require the district, provider, or service center to develop a corrective action plan in the same manner as specified in division (C)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district, provider, or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's, provider's, or service center's distinction.

(E) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center that has received distinction for a STEM program of excellence ~~instead~~ wishes to ~~become a~~ receive a distinction for a STEAM program of excellence, it may change its existing proposal to include the items required under divisions ~~(C)(2)~~ (B)(3)(d), (B)(6), and (C)(5) ~~(B)(7)~~ of this section and submit the revised proposal to the STEM committee for approval.

Sec. 3326.07. Each science, technology, engineering, and mathematics school established under this chapter is a public school, is part of the state's program of education, may contract for any services necessary for the operation of the school, and may continue in operation for as long as the school is in compliance with the provisions of this chapter and with the proposal for its establishment as approved by the STEM committee. If the school closes for any reason, its assets shall be distributed in the manner provided in the proposal for its establishment as required by division ~~(C)(9)~~ (C)(11) of section 3326.03 of the Revised Code.

Sec. 3326.08. (A) The governing body of each science, technology, engineering, and mathematics school shall engage the services of administrative officers, teachers, and nonteaching employees of the STEM school necessary for the school to carry out its mission and shall oversee the operations of the school. The governing body of each STEM school shall engage the services of a chief administrative officer to serve as the school's instructional and administrative leader. The chief administrative officer shall be granted the authority to oversee the recruitment, retention, and employment of teachers and nonteaching employees.

(B) The department of education shall monitor the oversight of each STEM school exercised by the school's governing body and shall monitor the school's compliance with this chapter and with the proposal for the establishment of the school as it was approved by the STEM committee under section ~~3326.04~~ 3326.03 of the Revised Code. ~~If~~ Except in the case of a STEM school that is governed and controlled by a school district in accordance with section 3326.51 of the Revised Code, if the department finds that the school is not in compliance with this chapter or with the proposal and the STEM committee has revoked the school's STEM designation under division (E)(1) or (2) or (F) of section 3326.03 of the Revised Code, the department shall consult with the STEM committee, and the committee ~~may~~ shall order the school to close on the last day of the school year in which the committee issues its order.

(C) The governing body of each STEM school shall comply with

sections 121.22 and 149.43 of the Revised Code.

Sec. 3326.10. Each science, technology, engineering, and mathematics school shall adopt admission procedures that specify the following:

(A)(1) Admission shall be open to individuals entitled and eligible to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

(2)(a) Admission may be open on a tuition basis to individuals who are not residents of this state. The school shall not receive state funds under ~~sections 3326.33 to 3326.51~~ section 3317.022 of the Revised Code for any student who is not a resident of this state.

(b) The school shall charge tuition for a student who is not a resident of this state in an amount determined by the school in accordance with section 3326.101 of the Revised Code.

(B) There will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex.

(C) The school will comply with all federal and state laws regarding the education of students with disabilities.

(D) Unless the school serves only students identified as gifted under Chapter 3324. of the Revised Code, the school will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic or artistic ability.

(E) The school will assert its best effort to attract a diverse student body that reflects the community, and the school will recruit students from disadvantaged and underrepresented groups.

Sec. 3326.101. For each student who is not a resident of this state and is enrolled in a science, technology, engineering, and mathematics school under division (A)(2) of section 3326.10 of the Revised Code, the school shall determine the amount to charge to the student as tuition. This amount shall be not less than the minimum amount paid to the school for a student under section ~~3326.33~~ 3317.022 of the Revised Code.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67,

3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

Sec. 3326.14. Each science, technology, engineering, and mathematics school and its governing body shall administer the assessments required by sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code, as if it were a school district, ~~except that, notwithstanding any provision of those sections to the contrary, any student enrolled in a grade lower than the tenth grade in a STEM school may take one or more of the Ohio graduation tests prescribed under division (B)(1) of section 3301.0710 of the Revised Code on any of the dates prescribed for that assessment.~~

Sec. 3326.23. This section does not apply to any science, technology, engineering, and mathematics school that is governed and controlled by a school district in accordance with section 3326.51 of the Revised Code on or after the effective date of this amendment.

The governing body of each science, technology, engineering, and mathematics school annually shall provide the following assurances in writing to the department of education not later than ten business days prior to the opening of the school:

(A) That the school has a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(B) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(C) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of education data, including the education management information system established under section 3301.0714 of the Revised Code;

(D) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(E) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code or are engaged to teach pursuant to section 3319.301 of the Revised Code;

(F) That the school's treasurer is in compliance with section 3326.21 of the Revised Code;

(G) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members;

(H) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(J) That the school has designated a date it will open for the school year for which the assurances are provided;

(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:

~~(A)(1) "Category one career technical education student" means a student who is receiving the career technical education services described in division (A) of section 3317.014 of the Revised Code.~~

~~(2) "Category two career technical student" means a student who is receiving the career technical education services described in division (B) of section 3317.014 of the Revised Code.~~

~~(3) "Category three career technical student" means a student who is receiving the career technical education services described in division (C) of section 3317.014 of the Revised Code.~~

~~(4) "Category four career technical student" means a student who is receiving the career technical education services described in division (D) of section 3317.014 of the Revised Code.~~

~~(5) "Category five career technical education student" means a student who is receiving the career technical education services described in division (E) of section 3317.014 of the Revised Code.~~

~~(B)(1) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.~~

~~(2) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.~~

~~(3) "Category three English learner" means an English learner described in division (C) of section 3317.016 of the Revised Code.~~

~~(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.~~

~~(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.~~

~~(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.~~

~~(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.~~

~~(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.~~

~~(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.~~

~~(D) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~

~~(E)(B) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.~~

~~(F)(C) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~

~~(G) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(~~1~~), (~~B~~) (~~2~~), (~~C~~) (~~3~~), (~~D~~) (~~4~~), and (~~E~~) (~~5~~) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.

(I) Any additional information the department determines necessary to make payments under this chapter.

Sec. 3326.35. The department of education shall adjust the amounts paid under section ~~3326.33~~ 3317.022 of the Revised Code to reflect any enrollment of students in science, technology, engineering, and mathematics schools for less than the equivalent of a full school year.

Sec. 3326.36. The department of education shall reduce the amounts paid to a science, technology, engineering, and mathematics school or to the governing body of a group of science, technology, engineering, and mathematics schools under section ~~3326.33~~ 3317.022 of the Revised Code to reflect payments made to colleges under section 3365.07 of the Revised Code. A student shall be considered enrolled in the school for any portion of the school year the student is attending a college under Chapter 3365. of the Revised Code.

Sec. 3326.39. (A) In any fiscal year, a STEM school receiving funds calculated under division (~~G~~) (~~A~~)(~~7~~) of section ~~3326.33~~ 3317.022 of the Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses.

Career-technical ~~educational~~ education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division ~~(G)~~ (A)(8) of section ~~3326.33~~ 3317.022 of the Revised Code may be spent.

(B) All funds received under division ~~(G)~~ (A)(7) of section ~~3326.33~~ 3317.022 of the Revised Code shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(C) In any fiscal year, a science, technology, engineering, and mathematics school receiving funds under division (H) of section 3317.014 of the Revised Code shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.

The department may deny payment under division (E) of section 3317.014 of the Revised Code to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes.

Sec. 3326.40. A STEM school shall spend the funds it receives under division ~~(E)~~ ~~(A)(4)~~ of section ~~3326.33~~ 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code.

Sec. 3326.44. For fiscal years 2022 and 2023, a STEM school shall spend the funding it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

Sec. 3326.51. (A) As used in this section:

(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.

(2) "STEM school sponsoring district" means a municipal, city, local, or exempted village, ~~or joint vocational~~ school district that governs and controls a STEM school pursuant to this section.

(B) Notwithstanding any other provision of this chapter to the contrary:

(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, or exempted village, ~~or joint vocational~~ school district that is one of the partners submitting the proposal, and the STEM committee approves that proposal, that school district board shall govern and control the STEM school as one of the schools of its district.

(2) The STEM school sponsoring district shall maintain a separate accounting for the STEM school as a separate and distinct operational unit within the district's finances. The auditor of state, in the course of an annual or biennial audit of the school district serving as the STEM school sponsoring district, shall audit that school district for compliance with the financing requirements of this section.

(3) With respect to students enrolled in a STEM school whose resident district is the STEM school sponsoring district:

(a) The department of education shall make ~~no deductions under section 3326.33~~ payments to the school in accordance with section 3317.022 of the Revised Code from the STEM school sponsoring district's state payments.

~~(b) The STEM school sponsoring district shall ensure that it allocates to the STEM school funds equal to or exceeding the amount that would be calculated pursuant to division (B) of section 3313.981 of the Revised Code for the students attending the school whose resident district is the STEM school sponsoring district.~~

~~(c)~~ The STEM school sponsoring district is responsible for providing children with disabilities with a free appropriate public education under Chapter 3323. of the Revised Code.

~~(d)~~(c) The STEM school sponsoring district shall provide student

transportation in accordance with laws and policies generally applicable to the district.

(4) With respect to students enrolled in the STEM school whose resident district is another school district, the department shall ~~make no payments or deductions under sections 3326.31 to 3326.49 of the Revised Code. Instead, consider~~ the students ~~shall be considered~~ as open enrollment students and ~~the department shall make payments and deductions to the school~~ in accordance with section ~~3313.981~~ 3317.022 of the Revised Code. ~~The STEM school sponsoring district shall allocate the payments to the STEM school. The STEM school sponsoring district may enter into financial agreements with the students' resident districts, which agreements may provide financial support in addition to the funds received from the open enrollment calculation. The STEM school sponsoring district shall allocate all such additional funds to the STEM school.~~

(5) ~~Where the department is required to make, deny, reduce, or adjust payments to a STEM school sponsoring district pursuant to this section, it shall do so in such a manner that the STEM school sponsoring district may allocate that action to the STEM school.~~

(6) A STEM school sponsoring district and its board may assign its district employees to the STEM school, in which case section 3326.18 of the Revised Code shall not apply. The district and board may apply any other resources of the district to the STEM school in the same manner that it applies district resources to other district schools.

~~(7)~~(6) Provisions of this chapter requiring a STEM school and its governing body to comply with specified laws as if it were a school district and in the same manner as a board of education shall instead require such compliance by the STEM school sponsoring district and its board of education, respectively, with respect to the STEM school. Where a STEM school or its governing body is required to perform a specific duty or permitted to take a specific action under this chapter, that duty is required to be performed or that action is permitted to be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school.

~~(8)~~(7) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues.

~~(9)~~(8) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or

chief financial officer by the Revised Code.

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.

In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community school which they attend, the board of education shall provide transportation for such pupils to and from that school except as provided in section 3327.02 of the Revised Code.

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district, including a joint vocational school district, as prescribed under that section, the board of education of the student's district of residence shall provide transportation from the public high school operated by that district to which the student is assigned to the career-technical program.

In all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on

each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term. The operator of every school bus or motor van owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state shall deliver students enrolled in preschool through twelfth grades to their respective public and nonpublic schools not sooner than thirty minutes prior to the beginning of school and to be available to pick them up not later than thirty minutes after the close of their respective schools each day.

The cost of any transportation service authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

Sec. 3327.016. (A) As used in this section, "eligible student" means a student entitled to transportation services from the city, local, or exempted village school district pursuant to section 3327.01 of the Revised Code.

(B) Each community school established under Chapter 3314. of the

Revised Code or chartered nonpublic school shall establish the school's start and end times for a particular school year not later than the first day of April prior to that school year. Each community or chartered nonpublic school shall provide such start and end times to each city, local, or exempted village school district that the school expects will be responsible for providing transportation services to eligible students enrolled in the school for that school year.

(C) Each city, local, or exempted village school district that receives start and end times as prescribed under division (B) of this section shall use those start and end times to develop a transportation plan, including transportation routes and schedules, for eligible students who enrolled in a community or chartered nonpublic school shall provide such transportation plan to the community or chartered nonpublic school within sixty days after receiving the information described in that division. If a school provides the start and end times to the school district after the first day of April but before the first day of July, the district shall attempt to provide a transportation plan to the school by the first day of August of that school year. For any eligible student who enrolls in a community or chartered nonpublic school after the first day of July prior to that school year, a district shall develop a transportation plan, including transportation routes and schedules, for that student within fourteen business days of receiving a request for transportation services from the student's parent or guardian.

Sec. 3327.017. (A) As used in this section:

(1) "Eligible student" has the same meaning as in section 3327.016 of the Revised Code.

(2) "Mass transit system" has the same meaning as in section 4511.78 of the Revised Code.

(B) No city, local, or exempted village school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it.

(C) A city, local, or exempted village school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass transit system shall

ensure that the student is assigned to a route that does not require the student to make more than one transfer.

Sec. 3327.018. The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or agency of the state, or with an agency of the federal government to operate its buses to assist the agency, group, organization, or political subdivision in the fulfillment of its legitimate activities and in times of emergency. These contracts shall be entered into under the authority of the school district as a political subdivision and shall not be considered commerce. When buses are made available to other agencies, groups, organizations, or political subdivisions under this section, the buses must be operated by individuals holding certificates issued by either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district certifying that the individuals satisfy the requirements of section 3327.10 of the Revised Code. All state board of education regulations governing the operation of school buses when transporting students shall apply when buses are used in accordance with this section.

Any board of education of a city, local, or exempted village school district that makes one or more of its vehicles available under this section shall procure liability and property damage insurance, as provided in section 3327.09 of the Revised Code, covering all vehicles used and passengers transported under this section. The board of education may recover expenses from contracting entities, not to exceed the costs of operation and insurance coverage.

Sec. 3327.02. (A) After considering each of the following factors, the board of education of a city, exempted village, or local school district, or a community school governing authority providing transportation pursuant to section 3314.091 of the Revised Code, may determine that it is impractical to transport a pupil who is eligible for transportation to and from a school under section 3327.01 of the Revised Code:

- (1) The time and distance required to provide the transportation;
- (2) The number of pupils to be transported;
- (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration;
- (4) Whether similar or equivalent service is provided to other pupils eligible for transportation;

(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules;

(6) Whether other reimbursable types of transportation are available.

(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.

The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.

In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the state board with a detailed description of the reasons for which such determination was made.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:

(a) The resolution;

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than ~~the amount determined by the general assembly as the minimum for payment in lieu of~~ fifty per cent

~~transportation~~, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

(b) If the mediation does not resolve the dispute, the state board of ~~education~~ shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable.

(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section.

(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or as ordered by the state board under division (E)(1)(b) of this section, the department shall order the school district board or governing authority to pay to the pupil's parent, guardian, or other person in charge of the pupil, an amount equal to ~~the state average daily cost of transportation as determined by the state board of education for the previous year~~ fifty per cent of the cost of providing transportation as determined by the board or governing authority under division (A)(3) of this section, and not more than two thousand five hundred dollars. The school district board or governing authority shall make payments on a schedule ordered by the department.

(2) If the department subsequently finds that a school district board is not in compliance with an order issued under division (F)(1) of this section and the affected pupils are enrolled in a nonpublic or community school, the department shall deduct the amount that the board is required to pay under that order from any pupil transportation payments the department makes to the school district board under section 3317.0212 of the Revised Code or other provisions of law. The department shall use the moneys so deducted to

make payments to the nonpublic or community school attended by the pupil. The department shall continue to make the deductions and payments required under this division until the school district board either complies with the department's order issued under division (F)(1) of this section or begins providing transportation.

(G) A nonpublic or community school that receives payments from the department under division (F)(2) of this section shall do either of the following:

(1) Disburse the entire amount of the payments to the parent, guardian, or other person in charge of the pupil affected by the failure of the school district of residence to provide transportation;

(2) Use the entire amount of the payments to provide acceptable transportation for the affected pupil.

(H) At any time after a parent, guardian, or other person in charge of a pupil requests transportation for a pupil, that parent, guardian, or other person may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf for purposes of this section.

Sec. 3327.021. The department of education shall monitor each city, local, or exempted village school district's compliance with sections 3327.01 and 3327.016 and division (B) of section 3327.017 of the Revised Code. If the department determines a consistent or prolonged period of noncompliance on the part of the school district to provide transportation as required under those sections, the department shall deduct from the district's payment for student transportation under Chapter 3317. of the Revised Code the total daily amount of that payment, as computed by the department, for each day that the district is not in compliance.

This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code.

Sec. 3327.101. Notwithstanding anything to the contrary in this chapter or Chapter 3301-83 of the Administrative Code, the department of education shall develop an online bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. On-the-bus training for drivers shall continue to be completed in person.

Sec. 3328.24. A college-preparatory boarding school established under this chapter and its board of trustees shall comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.617,

3313.618, 3313.6114, 3313.6411, 3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 3365. of the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec. 3328.32. Each child enrolled in a college-preparatory boarding school established under this chapter shall be included in the ~~enrollment formula ADM and total ADM~~ of the district in which the child is entitled to attend school ~~and in the district's category one through six special education enrollment, as appropriate~~, as reported under section 3317.03 of the Revised Code.

~~The department of education shall count that child in the district's formula ADM, total ADM, and, as appropriate, category one through six special education ADM.~~

Sec. 3328.34. (A) For each child enrolled in a college-preparatory boarding school, as reported under section 3328.31 of the Revised Code, the department of education shall pay to the school the sum of the amount ~~deducted from a participating school district's account for that child under section 3328.33 of the Revised Code~~ eighty-five per cent of the operating expenditure per pupil of the city, local, or exempted village school district in which the child is entitled to attend school plus the per-pupil boarding amount specified in division (B) of this section.

As used in this division, a district's "operating expenditure per pupil" is the total amount of state payments and other nonfederal revenue spent by the district for operating expenses during the previous fiscal year, divided by the district's enrolled ADM, as that term is defined in section 3317.02 of the Revised Code, for the previous fiscal year.

(B) For the first fiscal year in which a college-preparatory boarding school may be established under this chapter, the "per-pupil boarding amount" is twenty-five thousand dollars. For each fiscal year thereafter, that amount shall be adjusted by the rate of inflation, as measured by the consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor, for the previous twelve-month period.

(C) The state board of education may accept funds from federal and state noneducation support services programs for the purpose of funding the per pupil boarding amount prescribed in division (B) of this section. Notwithstanding any other provision of the Revised Code, the state board shall coordinate and streamline any noneducation program requirements in

order to eliminate redundant or conflicting requirements, licensing provisions, and oversight by government programs or agencies. The applicable regulatory entities shall, to the maximum extent possible, use reports and financial audits provided by the auditor of state and coordinated by the department of education to eliminate or reduce contract and administrative reviews. Regulatory entities other than the state board may suggest reasonable additional items to be included in such reports and financial audits to meet any requirements of federal law. Reporting paperwork prepared for the state board shall be shared with and accepted by other state and local entities to the maximum extent feasible.

(D)(1) Notwithstanding division (A) of this section, if, in any fiscal year, a college-preparatory boarding school receives federal funds for the purpose of supporting the school's operations, the amount of those federal funds shall be deducted from the total per-pupil boarding amount for all enrolled students paid by the department to the school for that fiscal year, unless the school's board of trustees and the department determine otherwise in a written agreement. Any portion of the total per-pupil boarding amount for all enrolled students remaining after the deduction of the federal funds shall be paid by the department to the school from state funds appropriated to the department.

(2) Notwithstanding division (A) of this section, if, in any fiscal year, the department receives federal funds for the purpose of supporting the operations of a college-preparatory boarding school, the department shall use those federal funds, not including any portion of those funds designated for administration, to pay the school the total per-pupil boarding amount for all enrolled students for that fiscal year. Any portion of the total per-pupil boarding amount for all enrolled students remaining after the use of the federal funds shall be paid by the department to the school from state funds appropriated to the department.

(3) If any federal funds are used for the purpose prescribed in division (D)(1) or (2) of this section, the department shall comply with all requirements upon which the acceptance of the federal funds is conditioned, including any requirements set forth in the funding application submitted by the school or the department and, to the extent sufficient funds are appropriated by the general assembly, any requirements regarding maintenance of effort in expenditures.

Sec. 3333.049. (A) Not later than July 1, 2016, the chancellor of higher education shall revise the requirements for reading endorsement programs offered by institutions of higher education to align those requirements with the reading competencies adopted by the state board of education under

section 3301.077 of the Revised Code.

(B) Each educator preparation program approved under section 3333.048 of the Revised Code shall require each candidate for an educator license who enters the program in the 2022-2023 academic year, or any academic year thereafter, to receive instruction in computer science and computational thinking, as applied to student learning and classroom instruction, as appropriate for the grade level and subject area of the candidate's prospective educator license.

Sec. 3333.125. (A) As used in this section:

(1) "Eligible student" means an individual who satisfies all of the following:

(a) The individual is an Ohio resident.

(b) The individual is enrolled in a certified commercial driver's license school.

(c) The individual has passed a drug test.

(d) The individual does not have more than three moving violations in two consecutive years. If an individual who the chancellor of higher education has determined is an eligible student has three moving violations in two consecutive years while participating in the program, the individual shall no longer be considered eligible for continued participation in the program.

(e) The individual has not plead guilty to or been convicted of operating a vehicle under the influence of alcohol or a drug of abuse under section 4511.19 of the Revised Code in the past twelve months. If an individual who the chancellor has determined is an eligible student pleads guilty to or is convicted of operating a vehicle under the influence of alcohol or a drug of abuse while participating in the program, the individual shall no longer be considered eligible for continued participation in the program.

(f) The individual meets any additional eligibility criteria established under rules adopted by the chancellor under division (G) of this section.

(2) "Certified commercial driver's license school" means a commercial driver's license school certified by the chancellor. The chancellor shall adopt requirements for approval of certification and review applications based on those requirements.

No commercial driver's license school that charges employers recruiting fees shall be certified under this division.

A certified commercial driver's license program offered by a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332.

of the Revised Code as prescribed in section 3333.046 of the Revised Code shall be considered a certified commercial driver's license school.

(3) "Cost of attendance" and "expected family contribution" shall be defined by the chancellor.

(4) "Employed in this state" means either of the following:

(a) An individual is employed as a truck driver by an entity that has a valid mailing address in the state.

(b) An individual is self-employed as a truck driver using a valid mailing address in the state.

(5) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code.

(B) The commercial truck driver student aid program is hereby established. Under the program, the chancellor of higher education shall pay to an eligible student who commits to reside in and be employed in this state for a minimum of one year upon completion of a certified commercial driver's license program a combination of a grant and a loan in the amounts prescribed by division (D) of this section to pay for the costs of a certified commercial driver's license program at a certified commercial driver's license school.

(C) There is hereby established in the state treasury the commercial truck driver student aid fund, which shall consist of funds appropriated by the general assembly for purposes of this section and funds received as repayment for loans awarded under this section.

The fund shall be used by the chancellor for grants and loans made under this section and for expenses of administering the program.

(D)(1) The grant amount awarded to an eligible student shall equal one-half of the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the student's enrollment in the certified commercial driver's license school.

Except as provided in divisions (D)(2) and (E) of this section, the chancellor also shall award a loan to an eligible student in the same amount.

(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants and loans to all eligible students who apply for participation or are participating in the program, the chancellor shall proportionately reduce the amount of each grant and loan to be awarded for the academic year.

(E) The amount of a grant and a loan awarded to an eligible student under this section shall be in addition to what the eligible student receives under the Ohio college opportunity grant under section 3333.122 of the

Revised Code. If an eligible student receives a grant under section 3333.122 of the Revised Code, the chancellor shall decrease the amount of the eligible student's loan under this section by the amount of the grant received under that section.

(F)(1) Each eligible student who accepts a grant under division (B) of this section shall sign a promissory note payable to the state in the event the student fails to do either of the following:

(a) Satisfy the residency and employment requirement under that division;

(b) Complete the certified commercial driver's license program in which the student was enrolled.

(2) The amount payable under the note shall be the amount of the grant accepted by the student plus interest accrued annually beginning either one calendar year after the student completes a certified commercial driver's license program or immediately after the student disenrolls from, or does not complete, a certified commercial driver's license program. The chancellor shall determine the interest rate and period of repayment under the note.

(3) The note shall stipulate that the obligation to make payments under the note is canceled once either of the following applies to the student:

(a) The student completes a certified commercial driver's license program and meets the residency and employment requirement under division (B) of this section.

(b) The student dies or becomes totally and permanently disabled.

(G) The chancellor shall adopt rules, in accordance with Chapter 119. of the Revised Code, necessary for the operation of the program, including rules for all of the following:

(1) Terms and conditions for loans under the program;

(2) Requirements for certification of commercial driver's license schools;

(3) Additional eligibility criteria that the chancellor determines necessary for individuals participating in the program.

Sec. 3333.051. (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's and nursing bachelor's degree programs.

The chancellor may approve programs under this section that demonstrate all of the following:

(1) Evidence of an agreement between the college and a regional

business or industry to train students in an in-demand field and to employ students upon their successful completion of the program;

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation;

(3) Supporting data that identifies the specific workforce need the program will address;

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university;

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program.

~~(B) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations~~ The chancellor shall approve the creation of any nursing bachelor's degree program proposed by a community, state community, or technical college that meet the requirements prescribed in divisions (A)(1) to (5) of this section and the standards and procedures for academic program approval pursuant to section 3333.04 of the Revised Code. Upon the approval of the chancellor the institution shall establish an accredited nursing bachelor's degree program.

(C) As used in this section:

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following:

(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree;

(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3333.301. (A) The chancellor of higher education, in collaboration with the management council of the Ohio education computer network established under section 3301.0715 of the Revised Code, shall establish a data system to track the free application for federal student aid form

completion rate of public and chartered nonpublic school students in the state.

(B) The chancellor and the management council shall develop guidelines and procedures for the operation of the system.

(C) The chancellor may publish and share aggregate data regarding the free application for federal student aid, including completion counts and rates for the state and each school district, chartered nonpublic school, community school established under Chapter 3314., STEM school established under Chapter 3326., and college-preparatory boarding school established under Chapter 3328. of the Revised Code. Such data may be used for the benefit of public and chartered nonpublic schools, to increase public understanding regarding the free application for federal student aid, and to assist in encouraging student completion of the free application for federal student aid form.

Sec. 3333.31. (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws of this state and other states, and shall not carry with it any of the legal connotations appurtenant thereto. Rather, except as provided in divisions (B), (C), (D), ~~and (F)~~, and (G) of this section, for such purposes, the rule promulgated under this section shall have the objective of excluding from treatment as residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education, and may prescribe presumptive rules, rebuttable or conclusive, as to such purpose based upon the source or sources of support of the student, residence prior to first enrollment, evidence of intention to remain in the state after completion of studies, or such other factors as the chancellor deems relevant.

(B) The rules of the chancellor for determining student residency shall grant residency status to a veteran and to the veteran's spouse and any dependent of the veteran, if both of the following conditions are met:

(1) The veteran either:

(a) Served one or more years on active military duty and was honorably discharged or received a medical discharge that was related to the military service;

(b) Was killed while serving on active military duty or has been

declared to be missing in action or a prisoner of war.

(2) If the veteran seeks residency status for tuition surcharge purposes, the veteran has established domicile in this state as of the first day of a term of enrollment in an institution of higher education. If the spouse or a dependent of the veteran seeks residency status for tuition surcharge purposes, the veteran and the spouse or dependent seeking residency status have established domicile in this state as of the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any dependent of the service member while the service member is on active duty. In order to qualify under division (D) of this section, the rules shall require the student seeking in-state tuition

rates to live in the state as of the first day of a term of enrollment in the state institution of higher education, but shall not require the service member or the service member's spouse or dependent to establish domicile in this state as of the first day of a term of enrollment in a an institution of higher education.

(E) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

Residency officers may also evaluate, in accordance with the chancellor's rule, requests for immediate residency status from dependent students whose parents are not living and whose domicile follows that of a legal guardian who has accepted full-time employment and established domicile in the state for reasons other than gaining the benefit of favorable tuition rates.

(F)(1) The rules of the chancellor for determining student residency shall grant residency status to a person who enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment and satisfies either of the following conditions:

(a) The person, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code.

(b) The person meets all of the following criteria:

(i) The person officially withdrew from a school in this state while the person was a resident of this state for state subsidy and tuition surcharge purposes.

(ii) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code or a high school diploma awarded by a school located in another state or country.

(iii) The person, while a resident of this state for state subsidy and tuition surcharge purposes, both took a high school equivalency test and was awarded a certificate of high school equivalence.

(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom all of the following apply:

(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, lives in this state and completes a bachelor's degree program at an institution of higher education in this state.

(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate degree program, as determined appropriate by the chancellor, offered at any state institution of higher education.

(3) The person, while enrolled in the graduate degree program, resides in this state.

The chancellor's rules adopted under this section shall define "immediately" for the purposes of division (G) of this section.

(H) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in the

uniformed services, as defined in section 3511.01 of the Revised Code.

(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.

(7) "Certificate of high school equivalence" means either of the following:

(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;

(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code.

Sec. 3333.38. (A) As used in this section:

(1) "Institution of higher education" includes all of the following:

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;

(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation

of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a state-supported institution of higher education to suspend or otherwise discipline its students.

Sec. 3333.61. The chancellor of higher education shall establish and administer the ~~Ohio innovation partnership, which shall consist of the~~ choose Ohio first scholarship program ~~and the Ohio research scholars program.~~ Under the programs program, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists provide work-based learning opportunities in the fields of science, including health professions, technology, engineering, and mathematics, ~~medicine, and dentistry~~ to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be implemented by a state university or college alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities. If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may provide that some portion of the award be received directly by the collaborating universities or colleges consistent with all terms of the choose Ohio innovation partnership first scholarship program.

The choose Ohio first scholarship program shall assign a number of scholarships to state universities and colleges to recruit Ohio residents as undergraduate; or ~~as provided in section 3333.66 of the Revised Code~~ graduate; students in the fields of science, technology, engineering, and mathematics, ~~medicine, and dentistry~~, or in science, technology, engineering, or mathematics, ~~medical, or dental~~ education. The chancellor also may assign a number of choose Ohio first scholarships to state universities and colleges to recruit Ohio residents to enroll in certificate programs in the fields of science, technology, engineering, and mathematics;

~~medicine, and dentistry.~~ Choose Ohio first scholarships shall be awarded to each participating eligible student as a grant to the state university or college the student is attending and shall be reflected on the student's tuition bill. Choose Ohio first scholarships are student-centered grants from the state to students to use to attend a university or college and are not grants from the state to universities or colleges.

Notwithstanding any other provision of this section or sections 3333.62 to 3333.69 of the Revised Code, a nonpublic four-year Ohio institution of higher education may submit a proposal for choose Ohio first scholarships ~~or Ohio research scholars grants~~. If the chancellor awards a nonpublic institution scholarships ~~or grants~~, the nonpublic institution shall comply with all requirements of this section, sections 3333.62 to 3333.69 of the Revised Code, and the rules adopted under this section that apply to state universities or colleges awarded choose Ohio first scholarships ~~or Ohio research scholars grants~~.

~~The Ohio research scholars program shall award grants to use in recruiting scientists to the faculties of state universities or colleges.~~

The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the ~~programs~~ program.

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund to consist of such amounts designated for the purposes of the fund by the general assembly or the federal government. As soon as possible following the end of each fiscal year, the chancellor of higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director of budget and management may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund.

If it is determined that general revenue fund appropriations are insufficient to meet the obligations for the choose Ohio first scholarship in a fiscal year, the director of budget and management may transfer funds from the choose Ohio first scholarship reserve fund to the general revenue fund in

order to meet those obligations. The amount transferred is hereby appropriated. If the funds transferred from the choose Ohio first scholarship reserve fund are not needed, the director of budget and management may transfer the unexpended balance from the general revenue fund back to the choose Ohio first scholarship reserve fund.

Sec. 3333.615. The primary care medical student, primary care nursing student, and primary care dental student components of the choose Ohio first scholarship program created under former sections 3333.611, 3333.612, and 3333.614 of the Revised Code as those sections existed prior to the effective date of this section are abolished on the effective date of this section.

Sec. 3333.62. The chancellor of higher education shall establish a competitive process for making awards under the choose Ohio first scholarship program ~~and the Ohio research scholars program~~. The chancellor, on completion of that process, shall make a recommendation to the controlling board asking for approval of each award selected by the chancellor.

Any state university or college may apply for ~~one or more awards an award~~ under ~~one or both programs~~ the program. The state university or college shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, ~~for each award it seeks~~. A proposal may propose an initiative to be implemented solely by the state university or college or in collaboration with other state institutions of higher education, nonpublic Ohio universities or colleges, or other public or nonpublic Ohio entities. ~~A single proposal may seek an award under one or both programs.~~

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on the extent to which a proposal recruits underrepresented populations in the fields of science, technology, engineering, and mathematics or science, technology, engineering, or mathematics education, along with one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) ~~The extent to which the proposal is integrated with centers of research excellence within the private sector;~~

(D) ~~The amount of other institutional, public, or private resources;~~

~~whether monetary or nonmonetary, that the proposal pledges to leverage;~~

~~(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;~~

~~(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;~~

(D) The extent to which the university or college has committed to, or demonstrated, an increase in total graduates within the disciplines of science, technology, engineering, and mathematics or science, technology, engineering, or mathematics education, consistent with a goal to increase the total number of Ohio residents in the workforce who are highly qualified in these disciplines;

~~(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;~~

~~(H)(E) The extent to which the proposal meets a statewide educational need;~~

~~(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;~~

~~(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;~~

~~(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;~~

~~(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;~~

~~(M)(E) The extent to which the proposal facilitates the completion of an associate or a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;~~

~~(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;~~

~~(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;~~

~~(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science,~~

technology, engineering, mathematics, or medical education;

~~(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;~~

~~(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program;~~

~~(S)(G) The extent to which the proposal encourages students to complete a certificate program at a state university or college.~~

Sec. 3333.63. The chancellor of higher education shall conduct at least one public meeting annually, prior to deciding awards under the choose Ohio innovation partnership first scholarship program. At the meeting, an employee of the chancellor shall summarize the proposals submitted for consideration, and each state university or college that has a proposal pending shall have the opportunity to review the summary of their proposal prepared by the chancellor's staff and answer questions or respond to concerns about the proposal raised by the chancellor's staff.

Sec. 3333.64. The chancellor of higher education shall endeavor to make awards under the choose Ohio first scholarship program ~~and the Ohio research scholars program~~ such that the aggregate, statewide amount of other institutional, public, and private money pledged to the proposals program in each fiscal year equals at least one hundred per cent of the aggregate amount of the money awarded under ~~both programs~~ the program that year. ~~The chancellor shall endeavor to make awards under the choose Ohio first scholarship program in such a way that at least fifty per cent of the students receiving the scholarships are involved in a co-op or internship program in a private industry or a university laboratory. All students receiving a choose Ohio first scholarship shall be involved in work-based learning through a co-op, internship, experience in a university, college, or private laboratory, or other work-based learning experience. State universities or colleges or nonpublic four-year Ohio institutions of higher education may appeal to the chancellor for a waiver of this requirement in cases where exceptional circumstances make one hundred per cent placement in a work-based learning environment impractical or significantly unachievable.~~ The value of institutional, public, or private industry co-ops and internships shall count toward the statewide aggregate amount of other institutional, public, or private money specified in this paragraph.

The chancellor also shall endeavor to ~~distribute awards in such a way that all regions of the state benefit from the economic development impact~~

~~of the programs and shall guarantee~~ provide that students from all regions of the state are able to participate in the scholarship program.

Sec. 3333.65. The chancellor of higher education shall require each state university or college, and any nonpublic Ohio university or college with which the state university or college is collaborating, that the controlling board approves to receive an award under the choose Ohio innovation partnership first scholarship program to enter into an agreement governing the use of ~~the an award under the program~~. The agreement shall contain terms the chancellor determines to be necessary, ~~which shall include performance measures, reporting requirements, and an obligation to fulfill pledges of other institutional, public, or nonpublic resources for the proposal.~~

The chancellor may require a state university or college or a nonpublic Ohio university or college that violates the terms of the agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code ~~to the chancellor, except that the chancellor shall not hold a state or nonpublic university or college responsible for a repayment due to a student obligation under section 3333.611 of the Revised Code, until the state or nonpublic university or college is able to obtain repayment from the student or if the state or nonpublic university or college has certified collection of the repayment to the attorney general and has sent a copy of the certification to the chancellor.~~

~~If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may enter into an agreement with the collaborating universities or colleges that permits awards to be received directly by the collaborating universities or colleges consistent with the terms of the program or initiative. In that case, the chancellor shall incorporate into the agreement terms consistent with the requirements of this section.~~

Sec. 3333.66. (A)(1) Except as provided in ~~divisions~~ division (A)(2); ~~(3), and (4)~~ of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general

fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

~~(2) The chancellor of higher education may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following:~~

~~(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;~~

~~(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.~~

~~(3) The chancellor may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in the amount of not less than five hundred dollars but not more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to a student enrolled in a certificate program designated as an eligible program by the chancellor.~~

~~(4)(3) A student receiving multiple awards under division (A) of this section may not exceed the maximum permitted ~~provided that each award is within its permitted amount~~ for each individual award.~~

~~(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:~~

~~(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award.~~

~~(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a~~

~~domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The chancellor may require a college or university to give priority to qualified candidates who graduated from a high school in this state.~~

~~"Hard-to-staff" shall be as defined by the department of education.~~

~~(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.~~

Sec. 3333.68. When making an award under the choose Ohio ~~innovation partnership first scholarship program~~, the chancellor of higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or fiscal biennium. A proposal's eligibility for future awards remains conditional on all of the following:

(A) Future appropriations of the general assembly;

(B) The university's or college's adherence to the agreement entered into under section 3333.65 of the Revised Code, including its fulfillment of pledges of other institutional, public, or nonpublic resources;

~~(C) With respect to the choose Ohio first scholarship program, a~~ A demonstration that the students receiving the scholarship are satisfied with the state universities or colleges selected by the chancellor to offer the scholarships.

The chancellor and the controlling board shall not commit to awarding any proposal for more than five fiscal years at a time. However, when a commitment for future awards expires, ~~a state university or college may reapply~~ the chancellor and the controlling board may grant a one-time extension of the award for a period not to exceed four years.

Sec. 3333.69. The chancellor of higher education shall monitor each initiative for which an award is granted under the choose Ohio ~~innovation partnership first scholarship program~~ to ensure the following:

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to the ~~programs'~~ program's goals of enhancing regional educational and economic strengths and meeting regional economic needs.

Sec. 3333.79. (A) As used in this section, "minority" has the same

meaning as in section 184.17 of the Revised Code. The term also includes an individual who is economically disadvantaged.

(B) The chancellor of higher education shall conduct outreach activities in Ohio that seek to include minorities in the Ohio co-op/internship program established under section 3333.72 of the Revised Code. The outreach activities shall include the following, when appropriate:

(1) Identifying and partnering with historically black colleges and universities;

(2) Working with all institutions of higher education in the state to support minority faculty and students involved in cooperative and intern programs;

(3) Developing a plan to contact by telephone minorities and other economically disadvantaged individuals to notify them of opportunities to participate in the co-op/internship program;

(4) Identifying minority professional and trade associations and economic development assistance organizations and notifying them of the co-op/internship program;

(5) Partnering with regional technology councils to foster local efforts to support minority participation in the co-op/internship program.

(C) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section ~~123.152~~122.922 of the Revised Code.

Sec. 3335.38. The board of trustees of the Ohio state university shall establish a farm production, policy, and financial management institute in OSU extension to train interested and qualified persons to assist farmers ~~needing help with~~ in addressing integration of farm production practices, agricultural marketing, farm policy, and financial management ~~problems~~ challenges.

Participation shall be open to all interested persons, but the following persons shall be given priority as to enrollment: farm owners and managers, employees or representatives of banks and other farm credit agencies, agricultural teachers, and faculty and employees of the Ohio state university and OSU extension who agree to assist Ohio farmers in completing and understanding the coordinated financial statement and other subjects. A fee may be charged participants, as determined by OSU extension, but may be waived for those participants granted priority status at enrollment.

Sec. 3345.027. A state institution of higher education, as defined in section 3345.011 of the Revised Code, shall not withhold a student's official transcripts from a potential employer because the student owes money to the institution, provided the student has authorized the transcripts to be sent to

the employer and the employer affirms to the institution that the transcripts are a prerequisite of employment.

Sec. 3345.063. (A) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

(B) Beginning with the 2022-2023 academic year, each state university shall recognize the successful completion of a course in advanced computer science in high school, as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code, as a unit for admission to the university, as follows:

(1) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general mathematics requirement, as determined by the university, if the student used that advanced computer science unit to meet the mathematics curriculum requirement under division (C)(3) of section 3313.603 of the Revised Code.

(2) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general science requirement, as determined by the university, if the student used that advanced computer science unit to meet the science curriculum requirement under division (C)(5) of section 3313.603 of the Revised Code.

(3) The state university shall recognize one unit of advanced computer science as one unit toward meeting a general elective requirement, as determined by the university, if the student used the advanced computer science unit to meet the curriculum requirement under division (C)(8) of section 3313.603 of the Revised Code.

(4) The state university shall recognize one unit of computer coding as one unit toward meeting a general foreign language requirement, as determined by the university, if the student used the computer coding unit to meet a school district's or school's foreign language curriculum requirement as described in division (E) of section 3313.603 of the Revised Code.

(C) Each state university shall post a description of the university's recognition of advanced computer science as a core unit for admission to the university, as described in division (B) of this section, in a prominent location on the university's web site.

Sec. 3345.32. (A) As used in this section:

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.

(2) "Resident" has the meaning specified by rule of the chancellor of higher education.

(3) "Statement of selective service status" means a statement certifying

one of the following:

(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;

(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:

(i) The individual is under eighteen or over twenty-six years of age.

(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.

(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.

(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.

(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor.

(C) A state university or college that enrolls in any course, class, or program a male student born after December 31, 1959, who has not filed a statement of selective service status with the university or college shall, regardless of the student's residency, charge the student any tuition surcharge charged students who are not residents of this state.

(D) No male born after December 31, 1959, shall be eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses granted under section 3315.33, 3333.12, 3333.122, 3333.125,

3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.82. (A) As used in this section, "electronic communication" means live, audio-enabled communication that permits the trustees attending a meeting, the trustees present in person at the place where the meeting is conducted, and all members of the public present in person at the place where the meeting is conducted to simultaneously communicate with each other during the meeting.

(B) Notwithstanding division (C) of section 121.22 and sections 3335.06 and 3343.04 of the Revised Code, the board of trustees of a state institution of higher education, as defined in section 3345.011 of the Revised Code, may establish a policy that allows trustees to attend a meeting of the board of trustees via means of electronic communication. The policy shall specify at least all of the following:

(1) The number of regular meetings at which each trustee shall be present in person, which may not be less than one-half of the regular meetings of the board annually; and

(2) All of the following minimum standards regarding a meeting conducted using means of electronic communication:

(a) That at least one-third of the trustees attending the meeting shall be

present in person at the place where the meeting is conducted:

(b) That all votes taken at the meeting are taken by roll call vote; and

(c) That a trustee who intends to attend a meeting via means of electronic communication notified the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency.

(C) Notwithstanding division (C) of section 121.22 and sections 3335.06 and 3343.04 of the Revised Code, a trustee who attends a meeting via means of electronic communication is considered to be present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting.

(D) Except as provided in this section, no person shall limit the number of trustees who may attend a meeting via means of electronic communication, limit the total number of meetings that the board may conduct using means of electronic communication, limit the number of meetings in which any one trustee may attend via means of electronic communication, or impose other limits or obligations on a trustee by virtue of the trustee's attending a meeting via means of electronic communication.

Sec. 3354.01. As used in sections 3354.01 to 3354.18 of the Revised Code:

(A) "Community college district" means a political subdivision of the state and a body corporate with all the powers of a corporation, comprised of the territory of one or more contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district.

(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous."

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs or nursing bachelor's degree programs approved by the chancellor of higher education under section 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration.

A university maintained and operated by a municipality located in a

county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the chancellor of higher education to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only in respect to students enrolled in their first and second year of post high school education in the kinds of instructional programs offered by the municipal university.

(D) "Arts and sciences program" means both of the following:

(1) A curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses generally comparable to courses offered in the first two years in accredited colleges and universities in the state, and designed either to enable students to transfer to such colleges and universities for the purpose of earning baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement.

(2) An applied bachelor's degree program or nursing bachelor's degree program approved and offered under section 3333.051 of the Revised Code.

(E) "Adult-education program" means the dissemination of post high school educational service and knowledge, by a community college, for the occupational, cultural, or general educational benefit of adult persons, such educational service and knowledge not being offered for the primary purpose of enabling such persons to obtain academic credit or other formal academic recognition.

(F) "Charter amendment" means a change in the official plan of a community college for the purpose of acquiring additional lands or structures, disposing of or transferring lands or structures, erection of structures, or creating or abolishing of one or more academic departments corresponding to generally recognized fields of academic study.

(G) "Technical program" means a post high school curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses designed to prepare such students to meet the occupational requirements of the community.

(H) "Operating costs" means all expenses for all purposes of the community college district except expenditures for permanent improvements having an estimated life of usefulness of five years or more

as certified by the fiscal officer of the community college district.

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3357.09. The board of trustees of a technical college district may:

(A) Own and operate a technical college, pursuant to an official plan prepared and approved in accordance with section 3357.07 of the Revised Code;

(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the technical college on whatever terms and for whatever consideration may be appropriate for the purposes of the institution;

(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the technical college;

(D) Appoint the president, faculty, and such other employees as necessary and proper for such technical college, and fix their compensation;

(E) Provide for a technical college necessary lands, buildings or other structures, equipment, means, and appliances;

(F) Develop and adopt, pursuant to the official plan, any one or more of the curricular programs identified in section 3357.01 of the Revised Code as technical-college programs, or adult-education technical programs, and applied bachelor's degree programs or nursing bachelor's degree programs under section 3333.051 of the Revised Code;

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for: students who are residents of the district; students who are residents of Ohio but not of the district; students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay smaller tuition and fee rates than the rates for either of the above categories of nonresident students, except that students who are residents of Ohio but not of the district shall be required to pay higher fees and tuition than students who are residents of the district only when a district tax levy has been adopted and is in effect under the authority of section 3357.11, 5705.19, or 5705.191 of the Revised Code.

(H) Authorize, approve, ratify, or confirm, with approval of the chancellor, any agreement with the United States government, acting through any agency designated to aid in the financing of technical college

projects, or with any person, organization, or agency offering grants-in-aid for technical college facilities or operation;

(I) Receive assistance for the cost of equipment and for the operation of such technical colleges from moneys appropriated for technical education or for matching of Title VIII of the "National Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the chancellor in accordance with rules which the board shall establish governing its allocations to technical colleges chartered under section 3357.07 of the Revised Code.

(J) Grant appropriate associate degrees to students successfully completing the technical college programs, appropriate applied bachelor's degrees to students successfully completing applied bachelor's degree programs, appropriate bachelor's degrees to students successfully completing nursing bachelor's degree programs offered pursuant to section 3333.051 of the Revised Code, and certificates of achievement to those students who complete other programs;

(K) Prescribe rules for the effective operation of a technical college, and exercise such other powers as are necessary for the efficient management of such college;

(L) Enter into contracts and conduct technical college programs or technical courses outside the technical college district;

(M) Enter into contracts with the board of education of any local, exempted village, or city school district or the governing board of any educational service center to permit the school district or service center to use the facilities of the technical college district;

(N) Designate one or more employees of the institution as state university law enforcement officers, to serve and have duties as prescribed in section 3345.04 of the Revised Code;

(O) Subject to the approval of the chancellor, offer technical college programs or technical courses for credit at locations outside the technical college district. For purposes of computing state aid, students enrolled in such courses shall be deemed to be students enrolled in programs and courses at off-campus locations in the district.

(P) Purchase a policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting manifestly outside the scope of the member's, officer's, or employee's employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may

otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution's control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and expenses incurred in the defense or settlement of claims for such damages.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the Revised Code:

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision created pursuant to division (A) of section 3358.02 of the Revised Code.

(B) "State community college" means a two-year institution, offering a baccalaureate-oriented program, technical education program, or an adult continuing education program. The extent to which the college offers baccalaureate-oriented and technical programs shall be determined in its charter. However, a state community college may offer applied bachelor's degree programs or nursing bachelor's degree programs pursuant to section 3333.051 of the Revised Code.

(C) "Baccalaureate-oriented program" means a curricular program of not more than two years' duration that is planned and intended to enable students to gain academic credit for courses comparable to first- and second-year courses offered by accredited colleges and universities. The purpose of baccalaureate-oriented coursework in state community colleges is to enable students to transfer to colleges and universities and earn baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement through receipt of an associate degree.

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical

education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

Sec. 3365.01. As used in this chapter:

(A) "Articulated credit" means post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation from a secondary school.

(B) "Default ceiling amount" means one of the following amounts, whichever is applicable:

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:

$$((0.83 \times \text{formula amount}) / 30)$$

X number of enrolled credit hours

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

$$((0.83 \times \text{formula amount}) / 45)$$

X number of enrolled credit hours

(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.

(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.

(F) "Formula amount" ~~has the same meaning as in section 3317.02 of the Revised Code~~ means \$6,020.

(G) "Governing entity" means any of the following:

(1) A board of education of a school district;

(2) A governing authority of a community school established under Chapter 3314.; ~~a~~ of the Revised Code;

(3) A governing body of a STEM school established under Chapter 3326.; ~~or a~~ of the Revised Code;

(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(5) When referring to the state school for the deaf or the state school for the blind, the state board of education;

(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.

(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.

(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:

((formula amount / 30)

X number of enrolled credit hours)

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

((formula amount / 45)

X number of enrolled credit hours)

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal from a course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(M) "Participant" means any student enrolled in a college under the program established by this chapter.

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of authorization pursuant

to Chapter 1713. of the Revised Code;

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, ~~or~~ a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, or an institution operated by the department of youth services.

(S) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(T) "Secondary grade" means any of grades nine through twelve.

(U) "Standard rate" means the amount per credit hour assessed by the college for an in-state student who is enrolled in an undergraduate course at that college, but who is not participating in the college credit plus program, as prescribed by the college's established tuition policy.

(V) "Transcripted credit" means post-secondary credit that is conferred by an institution of higher education and is reflected on a student's official record at that institution upon completion of a course.

Sec. 3365.02. (A) There is hereby established the college credit plus program under which, beginning with the 2015-2016 school year, a secondary grade student who is a resident of this state may enroll at a college, on a full- or part-time basis, and complete nonsectarian, nonremedial courses for high school and college credit. The program shall govern arrangements in which a secondary grade student enrolls in a college and, upon successful completion of coursework taken under the program, receives transcripted credit from the college. The following are not governed by the college credit plus program:

(1) An agreement governing an early college high school program, provided the program meets the definition set forth in division (F)(2) of section 3313.6013 of the Revised Code and is approved by the

superintendent of public instruction and the chancellor of higher education;

(2) An advanced placement course or international baccalaureate diploma course, as described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code;

(3) A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcribed credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter or any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the state superintendent, shall adopt rules governing the program.

Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to

and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final.

(b) The student shall:

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code;

(ii) As a condition of eligibility, ~~be~~ satisfy one of the following criteria:

~~(I) Be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code. However, a student who scores within one standard error of measurement below the remediation-free threshold for one of those assessments shall be considered to have met this requirement if the student also either:~~

~~(I) Has a cumulative high school grade point average of at least 3.0. If the student is seeking to participate under section 3365.033 of the Revised Code, the student must have an equivalent cumulative grade point average in the applicable grade levels.;~~

~~(II) Receives a recommendation from a school counselor, principal, or career technical program advisor. Meet an alternative remediation-free eligibility option, as defined by the chancellor of higher education, in consultation with the superintendent of public instruction, in rules adopted under this section;~~

(III) Have participated in the program prior to the effective date of this amendment and qualified to participate in the program by scoring within one standard error of measurement below the remediation-free threshold for one of the assessments established under division (F) of section 3345.061 of the Revised Code and satisfying one of the conditions specified under division (A)(1)(b)(ii)(I) or (II) of this section as those divisions existed prior to the effective date of this amendment.

(iii) Meet the college's and relevant academic program's established standards for admission, enrollment, and course placement, including course-specific capacity limitations, pursuant to section 3365.05 of the Revised Code.

(c) The student shall elect at the time of enrollment to participate under either division (A) or (B) of section 3365.06 of the Revised Code for each course under the program.

(d) The student and the student's parent shall sign a form, provided by the school, stating that they have received the counseling required under division (B) of section 3365.04 of the Revised Code and that they understand the responsibilities they must assume in the program.

(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate in the program, both of the following criteria shall be met:

(a) The student shall meet the criteria in divisions (A)(1)(b) and (c) of this section.

(b)(i) If the student is enrolled in a nonpublic secondary school, that student shall send to the department of education a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the state board of education and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A)(1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A)(2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor ~~of higher education~~, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student.

Sec. 3365.032. (A) For purposes of this section:

(1) The "expulsion of a student" or "expelling a student" means the following:

(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, the expulsion of a student or the act of expelling a student under division (B) of section 3313.66 of the Revised Code;

(b) For a public secondary school that is a college-preparatory boarding school, the expulsion of a student or the act of expelling a student in accordance with the school's bylaws adopted pursuant to section 3328.13 of

the Revised Code:

(c) For a public secondary school that is the state school for the deaf or the state school for the blind, the expulsion of a student or the act of expelling a student in accordance with rules adopted by the state board of education.

(2) A "policy to deny high school credit for courses taken under the college credit plus program during an expulsion" means the following:

(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, a policy adopted under section 3313.613 of the Revised Code;

(b) For a college-preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code;

(c) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the state board requiring such a policy.

~~(B) When a public secondary school expels a student under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school established under Chapter 3328. of the Revised Code, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended under division (F) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall notify the college of the extension.~~

~~(B)(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to~~

~~section 3328.13 of the Revised Code.~~ As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another public school or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A)(1) or (2) of section 3365.06 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.06 of the Revised Code, the public school shall not award high school credit for the college courses in which the student was enrolled at the time the college withdrew its acceptance, and any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the withdrawal shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the withdrawal results in the college's receiving no reimbursement, the college or secondary school may require the student to return or pay for any textbooks and materials it provided the student free of charge.

~~(C)(D)~~ When a student who elected the option of division (B) of section 3365.06 of the Revised Code is expelled ~~under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code~~ from a public school that has adopted a policy ~~under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code~~ to deny high school credit for courses taken under the college credit plus program during an expulsion, that election is automatically revoked for all college courses in which the student is enrolled during the college term in which the expulsion is imposed. Any reimbursement under section 3365.07 of the Revised Code for the student's attendance prior to the expulsion shall be the same as would be paid for a student who voluntarily withdrew from the college at the same time in the term. If the revocation results in the college's receiving no reimbursement, the college or secondary school may require the student to return or pay for any textbooks and materials it provided the student free of charge.

Not later than five days after receiving an expulsion notice from the

superintendent, or equivalent, of a public school that has adopted a policy ~~under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code~~ to deny high school credit for courses taken under the college credit plus program during an expulsion, the college shall send a written notice to the expelled student that the student's election of division (B) of section 3365.06 of the Revised Code is revoked. If the college elects not to withdraw its acceptance of the student, the student shall pay all applicable tuition and fees for the college courses and shall pay for any textbooks and materials that the college or secondary school provided to the student.

Sec. 3365.035. (A) As used in this section, "mature subject matter" means any course subject matter or material of a graphic, explicit, violent, or sexual nature.

(B) The department of education and the department of higher education shall jointly develop a permission slip regarding the potential for mature subject matter in a course taken through the college credit plus program. The departments shall post the permission slip in a prominent place on their college credit plus program web sites.

(C) For a student enrolled in a public, chartered nonpublic, or nonchartered nonpublic school or a home-instructed student to enroll in any college course under the college credit plus program, the parent of the student and the student shall sign and include the permission slip described in division (B) of this section within the student's application to the public college, participating private college, or eligible out-of-state college in which the student wishes to enroll.

(D) Each public and participating private college and eligible out-of-state college participating in the program, upon admitting a student under the program, shall include in the college's enrollment materials the following:

(1) A questionnaire for students, developed by the college, to answer in the affirmative acknowledging that the student possesses the necessary social and emotional maturity and is ready to accept the responsibility and independence that a college classroom demands and to resubmit to the college;

(2) Guidance on reviewing any course materials available prior to enrolling in a course;

(3) Information about the college's and the program's policies on withdrawing from or dropping a course;

(4) Information about the student's right to speak with the student's high

school counselor or with the academic advisor assigned to the student as prescribed in division (F) of section 3365.05 of the Revised Code.

(E) Each public and participating private college and eligible out-of-state college participating in the program shall include a discussion at student orientation about the potential for mature subject matter in courses taken through the program.

(F) The department of education, the department of higher education, and each public and participating private college and eligible out-of-state college participating in the program shall post in a prominent place on their college credit plus program web sites the following disclaimer:

"The subject matter of a course enrolled in under the college credit plus program may include mature subject matter or materials, including those of a graphic, explicit, violent, or sexual nature, that will not be modified based upon college credit plus enrollee participation regardless of where course instruction occurs."

Sec. 3365.04. Each public and participating nonpublic secondary school shall do all of the following with respect to the college credit plus program:

(A) Provide information about the program prior to the first day of February of each year to all students enrolled in grades six through eleven;

(B) Provide counseling services to students in grades six through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible consequences and benefits of participation. Counseling information shall include:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Any necessary financial arrangements for tuition, textbooks, and fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;
- (6) Scheduling;
- (7) Communicating the possible consequences and benefits of participation, including all of the following:

(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;

(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;

(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and

the amount of time required for, a college education.

(8) The academic and social responsibilities of students and parents under the program;

(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;

(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;

For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.

(11) Information about the potential for mature subject matter, as defined in section 3365.035 of the Revised Code, in courses in which the student intends to enroll through the program and notification that courses will not be modified based upon program enrollee participation regardless of where course instruction occurs. The information shall include the permission slip described in division (B) of section 3365.035 of the Revised Code.

(C) Promote the program on the school's web site, including the details of the school's current agreements with partnering colleges;

(D) Schedule at least one informational session per school year to allow each participating college that is located within thirty miles of the school to meet with interested students and parents. The session shall include the benefits and consequences of participation and shall outline any changes or additions to the requirements of the program. If there are no participating colleges located within thirty miles of the school, the school shall coordinate with the closest participating college to offer an informational session.

For the purposes of division (D) of this section, "participating college" shall include both of the following:

(1) A partnering college;

(2) Any public college, private college, or eligible out-of-state college to which both of the following ~~applies~~ apply:

(a) The college participates in the college credit plus program.

(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session.

(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section

3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program.

(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program.

(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code.

Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the chancellor of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the lesser of the default ceiling amount or the college's standard rate;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, the lesser of fifty per cent of the default ceiling amount or the college's standard rate;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has

met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A)(1)(b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division (B)(2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less.

If an agreement is entered into under division (B)(2) of this section, both of the following shall apply:

(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the

chancellor to pay an amount below the default floor amount. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality.

(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B)(2)(a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.

However, under no circumstances shall:

(i) Payments for a participant made by the department under division (B)(2) of this section exceed the lesser of the default ceiling amount or the college's standard rate;

(ii) The amount charged to a participant under division (B)(2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount;

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this

division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to 3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) The department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. Except in cases involving incomplete participant information or a dispute of participant information, payments shall be made by the last day of January for participants who were enrolled during the fall term and by the last day of July for participants who were enrolled during the spring term. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants under this section shall be deducted as follows:

(a) For a participant enrolled in a school district, from the school foundation payments made to the participant's school district ~~or, if the participant is enrolled in a community school, a STEM school, or a college-preparatory boarding school, from the payments made to that school under section 3314.08, 3326.33, or 3328.34 of the Revised Code.~~ If the

participant is enrolled in a joint vocational school district, a portion of the amount shall be deducted from the payments to the joint vocational school district and a portion shall be deducted from the payments to the participant's city, local, or exempted village school district in accordance with the full-time equivalency of the student's enrollment in each district.

(b) For a participant enrolled in a community school established under Chapter 3314. of the Revised Code, from the payments made to that school under section 3317.022 of the Revised Code;

(c) For a participant enrolled in a STEM school, from the payments made to that school under section 3317.022 of the Revised Code;

(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code;

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of that school;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3365.08. (A) No participant enrolled under this chapter in a course for which credit toward high school graduation is awarded shall receive direct financial aid through any state or federal program.

(B) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised

Code, a parent of a participant enrolled in a course under division (A)(2) or (B) of section 3365.06 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the participant between the secondary school the participant attends and the college in which the participant is enrolled. Reimbursement may be paid solely from funds received by the district for student transportation under section 3317.0212 of the Revised Code or other provisions of law. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

(C) If a community school provides or arranges transportation for its students in grades nine through twelve under section 3314.091 of the Revised Code, a parent of a participant of the community school who is enrolled in a course under division (A)(2) or (B) of section 3365.06 of the Revised Code may apply to the governing authority of the community school for full or partial reimbursement of the necessary costs of transporting the participant between the community school and the college. The governing authority may pay the reimbursement in accordance with the state board's rules adopted under division (B) of this section solely from funds paid to it under division (H) of section ~~3314.091~~ 3317.0212 of the Revised Code.

Sec. 3375.011. Any library organized under Chapter 3375. of the Revised Code shall provide free of charge to any individual a photocopy of that individual's driver's license, temporary driver's permit, or state identification card, if the individual requests one.

Sec. 3376.01. As used in this chapter:

(A) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) "Private college" has the same meaning as in section 3365.01 of the Revised Code.

Sec. 3376.02. No state institution of higher education or private college shall uphold any rule, requirement, standard, or other limitation that prevents a student of that institution or college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness. Earning compensation from the use of a student's name, image, or likeness shall not affect the student's scholarship eligibility or renewal.

Sec. 3376.03. An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including the national collegiate athletic association or its successor organization, shall

not do either of the following:

(A) Prevent a student of a state institution of higher education or private college from fully participating in intercollegiate athletics because the student earns compensation as a result of the use of the student's name, image, or likeness;

(B) Prevent a state institution of higher education or private college from fully participating in intercollegiate athletics because a student of that institution or college participating in intercollegiate athletics does either of the following:

(1) Uses the student's name, image, or likeness;

(2) Obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.04. No state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall do any of the following:

(A) Provide a prospective student who intends to participate in intercollegiate athletics with compensation in relation to the prospective student's name, image, or likeness;

(B) Prevent a student who resides in this state and participates in intercollegiate athletics from obtaining professional representation in relation to contracts or legal matters regarding opportunities to be compensated for use of the student's name, image, or likeness;

(C) Interfere with or prevent a student from fully participating in intercollegiate athletics because the student obtains professional representation in relation to contracts or legal matters regarding opportunities to earn compensation for use of the student's name, image, or likeness.

Sec. 3376.05. A scholarship from a state institution of higher education or private college at which a student is enrolled is not compensation for use of the student's name, image, or likeness for purposes of this chapter. No state institution of higher education or private college shall revoke or reduce a scholarship as a result of a student earning compensation for use of the student's name, image, or likeness if the student earns that compensation in accordance with this chapter.

Sec. 3376.06. (A) As used in this section:

(1) "Official team activities" means all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the institution or college, and other team-organized activities, regardless of whether the activity takes place on or off campus, including

individual photograph sessions and news media interviews.

(2) "Student" means an individual enrolled at a state institution of higher education or private college who participates in intercollegiate athletics.

(B) A state institution of higher education's or private college's contract with a student shall not prevent the student from using the student's name, image, or likeness for a commercial purpose when the student is not engaged in official team activities.

(C) A student shall not enter into a contract providing compensation to the student for use of the student's name, image, or likeness that requires the student to display a sponsor's product, or otherwise advertise for a sponsor, during official team activities or any other time if that requirement is in conflict with a provision of a contract to which a state institution of higher education or private college is a party.

(D)(1) A student who intends to enter into a verbal or written contract providing compensation to the student for use of the student's name, image, or likeness shall disclose the proposed contract to an official of the state institution of higher education or private college for review by the institution or college. The institution or college shall designate an official to whom the student is to disclose the proposed contract.

(2) If a state institution of higher education or private college identifies a conflict between the proposed verbal or written contract described in division (D)(1) of this section and any existing provisions of a contract to which the institution or college is a party, the institution or college shall communicate to the student the relevant contract provision that is in conflict. The student shall not enter into the proposed contract, but the student may negotiate a revision to the proposed contract to avoid the conflict. The revised proposed contract is subject to review by the institution or college to ensure compliance with this chapter.

(E) A state institution of higher education or private college may establish reasonable policies or standards to address a student's failure to provide the disclosure required under division (D)(1) of this section or any other failure to comply with the requirements of this chapter.

Sec. 3376.07. A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics may prohibit a student who participates in intercollegiate athletics from entering into a contract providing compensation to the student for use of the student's name, image, or likeness if under the contract the student's name, image, or likeness is associated with any of the following:

(A) Any company that manufactures, markets, or sells, or brand that is

associated with, a controlled substance, marihuana product, medical marijuana product, alcoholic product, tobacco product, electronic smoking device, vapor product, or product or device that consists of or contains nicotine that can be ingested into the body;

(B) Any medical marijuana cultivator, processor, laboratory, or retail dispensary licensed under Chapter 3796. of the Revised Code or under the laws of another state;

(C) Any business engaged in the sale, rental, or exhibition for any form of consideration of adult entertainment that is characterized by an emphasis on the exposure or display of sexual activity;

(D) Any casino or entity that sponsors or promotes gambling activities;

(E) Any other category of companies, brands, or types of contracts that are similar to those described in divisions (A) to (D) of this section that the institution or college communicates to the student before the student enrolls at the institution or college.

Sec. 3376.08. Nothing in this chapter does any of the following:

(A) Requires a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics to identify, create, facilitate, negotiate, or otherwise enable opportunities for a student to earn compensation for use of the student's name, image, or likeness;

(B) Establishes or grants to a student any right to use the name, trademarks, services marks, logos, symbols, or any other intellectual property, regardless of whether the intellectual property is registered with the appropriate authority, that belong to a state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics, to further the student's opportunities to earn compensation for use of the student's name, image, or likeness;

(C) Limits the rights of a state institution of higher education or private college to establish and enforce any of the following:

(1) Academic standards, requirements, regulations, or obligations for its students;

(2) Team rules of conduct or other rules of conduct;

(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics;

(4) Disciplinary rules and standards generally applicable to all students of the institution or college.

Sec. 3501.054. (A) As used in this section, "public official" means any elected or appointed officer, employee, or agent of the state or any political

subdivision, board, commission, bureau, or other public body established by law.

(B) No public official that is responsible for administering or conducting an election in this state shall collaborate with, or accept or expend any money from, a nongovernmental person or entity for any costs or activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose, other than the following:

(1) The collection of any fee that is authorized by law;

(2) The use of any building to conduct an election, including as a polling place;

(3) The donation of food for precinct election officials at a polling place on election day.

(C) This section does not apply to any money to be deposited in the address confidentiality program fund established under section 111.48 of the Revised Code or the women's suffrage centennial commission fund established under Section 1 of S.B. 30 of the 132nd general assembly, as amended.

Sec. 3501.302. The secretary of state may enter into agreements for the bulk purchase of election supplies in order to reduce the costs for such purchases by individual boards of elections. A board of elections desiring to participate in such purchase agreements shall file with the secretary of state a written request for inclusion. A request for inclusion shall include an agreement to be bound by such terms and conditions as the secretary of state prescribes and to make direct payments to the vendor under each purchase agreement.

Nothing in this section prohibits a board of elections from purchasing election supplies through the department of administrative services under section 125.04 of the Revised Code.

Sec. 3701.021. (A) The director of health shall adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to carry out sections 3701.021 to 3701.0210 of the Revised Code, including, but not limited to, rules to establish the following:

(1) ~~Medical~~ Subject to division (D) of this section, medical and financial eligibility requirements for the program for medically handicapped children;

(2) Subject to division (C) of this section, eligibility requirements for providers who provide goods and services for the program for medically handicapped children;

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division

(A)(2) of this section;

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;

(5) Standards for the provision of service coordination by the department of health and city and general health districts;

(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;

(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;

(8) Criteria for payment of approved providers who provide goods and services for medically handicapped children;

(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children is cost-effective;

(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;

(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for medically handicapped children that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for medically handicapped children.

(D) In establishing medical and financial eligibility requirements for the

program for medically handicapped children, the director of health shall not specify an age restriction that excludes from eligibility an individual who is either of the following:

(1) Beginning on July 1, 2021, less than twenty-two years of age;

(2) Beginning on July 1, 2022, less than twenty-three years of age.

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of the Revised Code:

(A) "Medically handicapped child" means an Ohio resident who meets the age requirements set forth in division (D) of section 3701.021 of the Revised Code who suffers primarily from an organic disease, defect, or a congenital or acquired physically handicapping and associated condition that may hinder the achievement of normal growth and development.

(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for medically handicapped children.

(C) "Service coordination" means case management services provided to medically handicapped children that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated.

(D)(1) "Third party" means any person or government entity other than the following:

(a) A medically handicapped child participating in the program for medically handicapped children or the child's parent or guardian;

(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended;

(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation.

(2) "Third party" includes all of the following:

(a) Any trust established to benefit a medically handicapped child participating in the program or the child's family or guardians, if the trust was established after the date the medically handicapped child applied to participate in the program;

(b) That portion of a trust designated to pay for the medical and ancillary care of a medically handicapped child, if the trust was established on or before the date the medically handicapped child applied to participate in the program;

(c) The program awarding reparations to victims of crime established

under sections 2743.51 to 2743.72 of the Revised Code.

(E) "Third-party benefits" means any and all benefits paid by a third party to or on behalf of a medically handicapped child participating in the program or the child's parent or guardian for goods or services that are authorized by the department pursuant to division (B) or (D) of section 3701.023 of the Revised Code.

(F) "Hemophilia program" means the hemophilia program the department of health is required to establish and administer under section 3701.029 of the Revised Code.

Sec. 3701.0410. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional drug overdose fatality review committees to follow in conducting a review of an overdose death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section 307.636 of the Revised Code;

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of overdose deaths required by section 307.634 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting drug overdose fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.639 of the Revised Code;

(F) Establish guidelines, materials, and training, in consultation with the state board of pharmacy, about the appropriate use of the drug database maintained in accordance with section 4729.75 of the Revised Code.

Sec. 3701.0411. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for county or regional suicide fatality review committees to follow in conducting a review of a suicide death. The rules shall do all of the following:

(A) Establish the format for the annual reports required by section

307.646 of the Revised Code:

(B) Establish guidelines for a county or regional review committee to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(C) Establish guidelines for a county or regional review committee to follow in creating and maintaining the comprehensive database of deaths by suicide required by section 307.643 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(D) Establish guidelines for reporting suicide fatality review data to the department of health, which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(E) Establish guidelines, materials, and training to help educate members of county or regional review committees about the purpose of the review process and the confidentiality of the information described in section 307.649 of the Revised Code;

(F) Establish guidelines, materials, and training, in consultation with the state board of pharmacy, about the appropriate use of the drug database maintained in accordance with section 4729.75 of the Revised Code.

Sec. 3701.132. (A) As used in this section, "WIC program" means the "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The department of health is hereby designated as the state agency to administer the WIC program.

The director of health shall adopt rules pursuant to Chapter 119. of the Revised Code as necessary for administering the WIC program. The rules may include civil money penalties for violations of the rules. ~~The rules shall require a contract the department enters into with a WIC clinic to include provisions requiring the clinic to promote the use of technology-based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to clinic clients who are pregnant or have an infant who is less than one year of age.~~

(C) In determining eligibility for services provided under the WIC program, the department may use the application form established under section 5163.40 of the Revised Code for the healthy start program. The department may require applicants to furnish their social security numbers.

(D) If the department determines that a vendor has committed an act with respect to the WIC program that federal statutes or regulations or state statutes or rules prohibit, the department shall take action against the vendor

in the manner required by 7 C.F.R. part 246, including imposition of a civil money penalty in accordance with 7 C.F.R. 246.12, or rules adopted under this section.

Sec. 3701.145. (A) The director of health shall ensure that, as part of the Ohio breast and cervical cancer project administered under section 3701.144 of the Revised Code, a woman who meets all of the following conditions receives treatment for breast or cervical cancer:

(1) The woman was screened for breast or cervical cancer by a provider who either does not participate in or was not paid for the screening by the Ohio breast and cervical cancer project.

(2) The woman is in need of treatment for breast or cervical cancer.

(3) The woman has a countable income not exceeding three hundred per cent of the federal poverty line.

(4) The woman is not covered by health insurance.

(5) The woman is less than sixty-five years of age.

(B) The director of health may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3701.362. (A) Each of the health care facilities and providers identified in division (B) of this section shall do both of the following:

(1) Establish a system for identifying patients or residents who could benefit from palliative care;

(2) Provide information on palliative care to patients and residents who could benefit from palliative care.

(B) Division (A) of this section applies to all of the following:

(1) A hospital registered under section 3701.07 of the Revised Code;

(2) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;

(3) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;

(4) A veterans' home operated under Chapter 5907. of the Revised Code;

(5) A hospice care program or pediatric respite care program, as defined in section 3712.01 of the Revised Code;

(6) A home health agency, as defined in section ~~3701.881~~ 3740.01 of the Revised Code.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in ~~either~~ any of the following circumstances:

(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening;

(c) If appropriate laboratory equipment is not available.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1)(a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, all of the following apply:

(i) The director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016, must be screened.

(ii) The director shall specify spinal muscular atrophy and X-linked adrenoleukodystrophy as disorders for which a newborn child who is born on or after the date that is two hundred forty days after the effective date of this amendment must be screened.

(iii) Not later than six months after receiving a recommendation as

described in division (C)(3)(b) of this section, the director shall specify for screening a disorder recommended as described in division (C)(3)(b) of this section, with such screening to begin not later than one year after the date that the rule specifying the disorder for screening becomes effective.

(2) The newborn screening advisory council shall evaluate genetic, metabolic, and endocrine disorders to assist the director in determining which disorders should be included in the screenings required under this section. In determining whether a disorder should be included, the council shall consider all of the following:

- (a) The disorder's incidence, mortality, and morbidity;
- (b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed;
- (c) The potential for successful treatment of the disorder;
- (d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder;
- (e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen;
- (f) Whether the secretary of the United States department of health and human services has included the disorder in the federal recommended uniform screening panel.

(3)(a) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section. ~~The~~

(b) In the case of a disorder included within the federal recommended uniform screening panel, the council shall determine not later than six months after the date of the disorder's inclusion on the federal panel whether or not to recommend to the director that each newborn child be screened for the disorder. If the council recommends screening for the disorder, the council shall submit to the director as soon as practicable a recommendation for such screening.

(c) The director shall promptly and thoroughly review each recommendation the council submits.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include standards and procedures for all of the following:

- (1) Causing rescreenings to be performed when initial screenings have abnormal results;
- (2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;

(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;

(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;

(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;

(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.

(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and contracted with in the same manner.

(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory the director considers qualified to perform rescreenings may be designated, including a laboratory located outside this state. If more than one laboratory is designated, the person responsible for causing a rescreening to be performed is also responsible for selecting the laboratory to be used.

(F)(1) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee that shall be charged and collected in addition to or in conjunction with any laboratory fee that is charged and collected for performing the screenings required by this section. The fee, which shall be not less than fourteen dollars, shall be disbursed as follows:

(a) Not less than ten dollars and twenty-five cents shall be deposited in the state treasury to the credit of the genetics services fund, which is hereby

created. Not less than seven dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section.

Sec. 3701.602. (A) As used in this section, "eligible nonprofit corporation" means a nonprofit corporation that meets all of the following requirements:

(1) The nonprofit corporation is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code.

(2) For at least ten years before ~~the effective date of this section~~ September 29, 2015, the primary purpose of the nonprofit corporation, or the nonprofit corporation's predecessor in interest, has been granting the wishes of individuals under the age of eighteen who have been diagnosed with a life-threatening medical condition.

(3) The nonprofit corporation has spent at least ~~one million~~ two hundred fifty thousand dollars per year for each of the last three years in furtherance of the purpose described in division (A)(2) of this section.

(B) There is hereby created in the state treasury the wishes for sick children income tax contribution fund, which shall consist of money contributed to it under section 5747.113 of the Revised Code and of contributions made directly to it. Any person may contribute directly to the fund in addition to or independently of the income tax refund contribution system established in section 5747.113 of the Revised Code.

The department of health shall distribute all funds contributed under this section to an eligible nonprofit corporation that will use the contributions to grant the wishes of individuals who are under the age of eighteen, are residents of this state, and have been diagnosed with a life-threatening medical condition. Not later than six months after ~~the effective date of this section~~ September 29, 2015, the department shall develop guidelines under which an eligible nonprofit corporation may apply to receive funding under this section.

Sec. 3701.61. (A) The department of health shall establish the help me grow program as the state's evidence-based parent support program that encourages early prenatal and well-baby care, as well as provides parenting education to promote the comprehensive health and development of children. The program shall ~~also~~ provide home visiting services to families with a pregnant woman or ~~an infant or toddler~~ child under ~~three~~ five years of age ~~who~~ that meet the eligibility requirements established in rules adopted under this section. Home visiting services shall be provided through evidence-based home visiting models or innovative, promising home visiting models recommended by the Ohio home visiting consortium created under section 3701.612 of the Revised Code.

(B) Families shall be referred to the appropriate home visiting services through the central intake and referral system created under section 3701.611 of the Revised Code.

(C) To the extent possible, the goals of the help me grow program shall be consistent with the goals of the federal home visiting program, as specified by the maternal and child health bureau of the health resources and services administration in the United States department of health and human services or its successor.

(D) The director of health may enter into an interagency agreement with one or more state agencies to implement the help me grow program and ensure coordination of early childhood programs.

(E) The director may distribute help me grow program funds through contracts, grants, or subsidies to entities providing services under the program.

(F) As a condition of receiving payments for home visiting services, providers shall ~~do both of the following:~~

~~(1) Promote the use of technology based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to families with a pregnant woman or infant who is less than one year of age;~~

~~(2) Report~~ report to the director data on the program performance indicators, specified in rules adopted under division (G) of this section, that are used to assess progress toward achieving all of the following:

~~(a)~~(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

~~(b)~~(2) Improvement in birth outcomes and reduction in stillbirths, as that

term is defined in section 3701.97 of the Revised Code;

~~(e)~~(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

Sec. 3701.613. Beginning in fiscal year 2018, the department of health shall facilitate and allocate funds for a ~~biannual~~ biennial summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

(A) Share the latest research on evidence-based and innovative, promising home visiting models;

(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs;

(D) Present successes and challenges encountered by home visiting programs.

Sec. 3701.831. The director of health may assess the operating funds of the department to pay a share of the department's administrative costs. The assessments shall be based on a plan that the director develops ~~and submits to the office of budget and management not later than the fifteenth day of July of the fiscal year in which the assessments are to be made. If the office of budget and management determines that the assessments proposed in the plan can be implemented with uniformity and administrative ease, it shall approve the plan within two weeks after it is submitted.~~ Assessments shall be paid from the funds designated in the plan and credited by means of intrastate transfer voucher to the central support indirect fund which is hereby created in the state treasury. The fund shall be administered by the director of health and used to pay administrative costs of the department of health.

Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section ~~3701.881~~ 3740.01 of the Revised Code.

(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted industry sector as identified by the governor's office of workforce transformation.

(C) The director of job and family services shall review the criteria for any program that provides occupational training, adult education, or career pathway assistance through a grant or other source of funding to determine whether an employee of a home health agency may participate in the program, and, to the extent possible, make any necessary changes to the criteria to allow a home health agency employee to participate in the program.

Sec. 3702.304. (A)(1) The director of health may grant a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code if the ambulatory surgical facility submits to the director a complete variance application, prescribed by the director, and the director determines after reviewing the application that the facility is capable of

achieving the purpose of a written transfer agreement in the absence of one. The director's determination is final.

(2) Not later than sixty days after receiving a variance application from an ambulatory surgical facility, the director shall grant or deny the variance. A variance application that has not been approved within sixty days is considered denied.

(B) A variance application is complete for purposes of division (A)(1) of this section if it contains or includes as attachments all of the following:

(1) A statement explaining why application of the requirement would cause the facility undue hardship and why the variance will not jeopardize the health and safety of any patient;

(2) A letter, contract, or memorandum of understanding signed by the facility and one or more consulting physicians who have admitting privileges at a minimum of one local hospital that is located within a twenty-five mile radius of the facility, memorializing the physician or physicians' agreement to provide back-up coverage when medical care beyond the level the facility can provide is necessary;

(3) For each consulting physician described in division (B)(2) of this section:

(a) A signed statement in which the physician attests ~~that the~~ to all of the following:

(i) The physician actively practices clinical medicine within a twenty-five mile radius of the facility.

(ii) The physician is familiar with the facility and its operations,~~and,~~

(iii) The physician agrees to provide notice to the facility of any changes in the physician's ability to provide back-up coverage;

(b) The estimated travel time from the physician's main residence or office to each local hospital where the physician has admitting privileges;

(c) Written verification that the facility has a record of the name, telephone numbers, and practice specialties of the physician;

(d) Written verification from the state medical board that the physician possesses a valid license to practice medicine and surgery or osteopathic medicine and surgery issued under Chapter 4731. of the Revised Code;

(e) Documented verification that each hospital at which the physician has admitting privileges has been informed in writing by the physician that the physician is a consulting physician for the ambulatory surgical facility and has agreed to provide back-up coverage for the facility when medical care beyond the care the facility can provide is necessary.

(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following:

(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable;

(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care;

(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital.

(5) Any other information the director considers necessary.

(C) The director's decision to grant, refuse, or rescind a variance is final.

(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility.

Sec. 3702.511. (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of ~~two~~ four million dollars or more, not including expenditures for equipment, staffing, or operational costs;

(4) An increase in long-term care bed capacity;

(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;

(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;

(7) Any failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, including a change in the site, if the failure occurs within five years after implementation of the reviewable activity for which the certificate was granted.

(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:

(1) Acquisition of computer hardware or software;

(2) Acquisition of a telephone system;

- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;
- (5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;
- (6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;
- (7) Construction, repair, or renovation of bathroom facilities;
- (8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;
- (9) Removal of asbestos from a health care facility.

Only that portion of a project that is described in this division is not reviewable.

Sec. 3703.01. (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:

- (1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;
- (2) Condemn all unsanitary or defective plumbing that is found in connection with those places;
- (3) Order changes in plumbing necessary to insure the safety of the public health.

(B)(1)(a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that ~~employs~~ has given the division written notice that it intends to inspect plumbing in the particular types of buildings and that either:

- (i) Employs one or more plumbing inspectors, certified pursuant to ~~division (D) of this section 3781.10 of the Revised Code,~~ to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in those types of buildings;
- (ii) Has a contract with a board of county commissioners or another

board of health, entered pursuant to division (C) of this section, that authorizes a county building department or the other board of health to inspect plumbing in the particular types of buildings in the health district.

~~(e) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the county building department is authorized to inspect those types of buildings pursuant to a contract described in division (C)(1) of this section.~~

~~(d) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the board of health has entered into a contract with the board of health of another district to conduct inspections pursuant to division (C)(2) of this section.~~

(2) No county building department shall inspect plumbing or collect fees for inspecting plumbing in any type of building in a health district unless the department is authorized to inspect that type of building pursuant to a contract described in division (C)(1) of this section.

(3) No municipal corporation shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it is not certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority.

~~(4) No board of health of a health district shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it does not have a plumbing inspector certified pursuant to division (D) of this section.~~

(C)(1) The board of health of a health district may enter into a contract with a board of county commissioners to authorize the county building department to inspect plumbing in buildings within the health district. The contract may designate that the department inspect either residential or nonresidential buildings, as those terms are defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the department employs or contracts with a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates. The board of health may enter into a contract regardless of whether the health district employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code.

(2) The board of health of a health district, regardless of whether it employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code, may enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may

designate the inspection of either residential or nonresidential buildings as defined in section 3781.06 of the Revised Code, or both types of buildings; so long as the board that performs the inspections employs a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates.

~~(D) The superintendent of industrial compliance shall adopt rules prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying plumbing inspectors to do plumbing inspections for health districts and county building departments that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification.~~

~~(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:~~

~~(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.~~

~~(2) The other state or agency extends similar reciprocity to persons certified under this chapter.~~

~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~

~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~

~~(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;~~

~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~

~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~

~~(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.~~

~~(H)(E) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is~~

reason to believe is in a condition to be a menace to the public health.

Sec. 3703.03. In the administration of sections 3703.01 to 3703.08 of the Revised Code, the division of industrial compliance shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, ~~and register those persons engaged in or at the plumbing business.~~

Plans and specifications for all plumbing to be installed in or for buildings coming within such sections shall be submitted to and approved by the division before the contract for plumbing is let.

Sec. 3709.012. (A) Except as provided in division (F) of this section, not later than the date that is eighteen months after the official announcement of the result of a federal decennial census taken in a particular census year, including the 2020 census, a city with a population less than fifty thousand that is represented by a board of health of a city health district shall complete a study examining the efficiency and effectiveness of the city health district merging with the general health district of the county in which the city is located. As part of the study, the city shall compare the merger's efficiency and effectiveness with that of remaining as a separate health district.

(B) The director of health shall develop criteria to be used by the city described in division (A) of this section in determining whether such a merger is advisable. The criteria may include accreditation standards promulgated by the public health accreditation board.

(C) The director of health shall provide technical and financial assistance to each city described in division (A) of this section and shall oversee any efficiency and effectiveness study conducted.

(D) If, based on the criteria described in division (B) of this section, the study indicates that a merger would be efficient and effective, then the chief executive of the city shall enter into a contract with the district advisory council of the general health district that includes the city for the administration of health affairs in the former city health district and the merged general health district.

(E) If a merger is required by this section, the merger shall be completed not later than thirty months after the official announcement of the result of a federal decennial census, unless either of the following, as applicable, acts for good cause to delay implementation of the merger:

(1) In the case of a general health district consisting of a single county, the district advisory council of the general health district;

(2) In the case of a general health district consisting of more than one county as a result of a union of general health districts under section

3709.10 of the Revised Code, the district advisory council representing the county within the district where a majority of the population to be served by the merged general health district resides.

(F) This section does not apply to a city with a population less than fifty thousand whose city health district meets either of the following conditions regarding accreditation by an accreditation body approved by the director of health:

(1) The district has received accreditation and maintains its accreditation.

(2) The district is in the process of applying for accreditation on the effective date of this section, receives accreditation not later than December 31, 2025, and maintains its accreditation.

Sec. 3709.052. When a majority of the members of the legislative authority or a majority of the electors of each city constituting a city health district have voted affirmatively, the chief executives of the cities affected shall enter into a contract for the administration of public health affairs in the combined district. Such contract shall state the proportion of expenses of the board of health or health department of the combined district to be paid by each city. Unless the proposal establishing the district as contained in the petition and submitted to the electors provides for the board of health of the new district, the contract may provide that the administration of the combined district be taken over by either the board of health or the health department of one of the cities or by a combined board of health. If the contract provides for a combined board of health, the number of members of the board, their terms of office, and the method of appointment, shall be set forth in the contract. The contract shall designate the city in which the central office of the board of health shall be located. The city treasurer of such city shall be the custodian of the health funds of the combined district. The auditor of such city shall act as the auditor of the combined district and shall pay the expenses of the health program as approved by the board of health and signed by the health commissioner. A copy of such contract shall be filed with the director of health.

The service status of any person employed by a city health district shall not be affected by the creation of a combined district.

Sec. 3709.06. If any city constituting a city health district fails to establish a board of health under section 3709.05 of the Revised Code, the director of health may appoint a health commissioner for such city, and fix the commissioner's salary and term of office. Such commissioner shall have the same powers and perform the duties granted to or imposed upon a board of health of a city health district, except that rules, regulations, or orders of a

general nature, made by the commissioner and required to be published, shall be approved by the director. The salary of such commissioner and all necessary expenses incurred by the commissioner in performing the duties of the board shall be paid by and be a valid claim against such city.

Sec. 3709.07. Except as provided in section 3709.071 of the Revised Code, when it is proposed that one or more city health districts unite with a general health district in the formation of a single district, the district advisory council of the general health district shall meet and vote on the question of union. It shall require a majority affirmative vote of the members of the district advisory council to carry the question. The legislative authority of each city constituting a city health district shall likewise vote on the question. A majority voting affirmatively shall be required for approval. When the majority of the district advisory council and the legislative authority have voted affirmatively, the chair of the council and the chief executive of each city shall enter into a contract for the administration of health affairs in the combined district. Such contract shall state the proportion of the expenses of the board of health or health department of the combined district to be paid by the city or cities and by the original general health district. The contract may provide that the administration of the combined district shall be taken over by either the board of health or health department of one of the cities, by the board of health of the general health district, or by a combined board of health. Such contract shall prescribe the date on which such change of administration shall be made. A copy of such contract shall be filed with the director of health.

The combined district shall constitute a general health district, and the board of health or health department of the city, the board of health of the original general health district, or the combined board of health, as may be agreed in the contract, shall have, within the combined district, all the powers granted to, and perform all the duties required of, the board of health of a general health district.

The district advisory council of the combined general health district shall consist of the members of the district advisory council of the original general health district and the chief executive of each city constituting a city health district, each member having one vote.

If the contract provides that the administration of the combined district shall be taken over by a combined board of health, rather than the board of health of the original health district, the contract shall set forth the number of members of such board, their terms of office, and the manner of appointment or election of officers. One of the members of such combined

board of health shall be a physician, and one member shall be an individual appointed by the health district licensing council, if such council is established under section 3709.41 of the Revised Code. The contract may also provide for the representation of areas by one or more members and shall, in such event, specify the territory to be included in each such area.

The appointment of any member of the combined board who is designated by the provisions of the contract to represent a city shall be made by the chief executive and approved by the legislative authority of such city. If a member is designated by the contract to represent more than one city, the member shall be appointed by majority vote of the chief executives of all cities included in any such area. Except for the member appointed by the health district licensing council, if such council is established, the appointment of all members of the combined board who are designated to represent the balance of the district shall be made by the district advisory council.

The service status of any person employed by a city or general health district shall not be affected by the creation of a combined district.

Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of the Revised Code, all of the following apply:

(A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding, or sell or offer for sale any second-hand stuffed toy or any second-hand article of bedding, in this state without first registering to do so with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely labeled.

(D) No person shall sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not been sanitized in accordance with section 3713.08 of the Revised Code.

(E) The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy.

Sec. 3717.22. (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9), (11) to (13), or (15) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:

(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;

(2) A person at a farmers market ~~that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code~~ that offers for sale only one or more of the following:

(a) Fresh unprocessed fruits or vegetables;

(b) Products of a cottage food production operation;

(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;

(d) Wine as authorized under section 4303.2010 of the Revised Code;

(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments

adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;

(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B)(11) of this section applies;

(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B)(11) of this section applies;

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which division (B)(11) of this section applies;

(11) A farm product auction, on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:

(a) The products described in divisions (B)(8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B)(8) to (10) of this section;

- (b) Fresh unprocessed fruits or vegetables;
- (c) Products of a cottage food production operation;
- (d) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.

(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;

(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;

(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;

(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:

- (a) Fresh unprocessed fruits or vegetables;
- (b) Products of a cottage food production operation;
- (c) Tree syrup, sorghum, honey, apple syrup, or apple butter if produced by a tree syrup or sorghum processor, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;

- (d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;

- (e) Fruit butter produced at the festival or celebration and sold from the production site.

(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:

- (a) Fresh unprocessed fruits or vegetables;
- (b) Products of a cottage food production operation;
- (c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the

Revised Code;

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;

(e) Cider and other juices manufactured on site at the farm market;

(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.

(17)(a) An establishment to which all of the following apply:

(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment.

(ii) The establishment serves unopened commercially prepackaged food, other than wine.

(iii) The amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts.

(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B)(17)(a) of this section. The owner or operator also shall display a notice in a place conspicuous to all of its guests informing them that the establishment is not required to be licensed as a retail food establishment.

Sec. 3717.221. (A) ~~Any~~ Either of the following may register with the director of agriculture:

(1) A farm market, which is a location where a producer offers fruits, vegetables, and other items for sale;

(2) ~~A farmers market, which is a location where producers congregate to offer fruits, vegetables, and other items for sale;~~

(3) A farm product auction, which is a location where agricultural products, including food products, are offered for sale at auction.

(B) The director shall inspect each farm market, ~~farmers market,~~ and farm product auction that registers under this section. Inspections shall occur at a frequency considered appropriate by the director and shall be conducted in accordance with sanitation standards established in rules adopted under

this section.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to administer this section.

Sec. 3721.02. (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B)(1) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each ~~The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its residential care facility license. The director may delegate the director's authority and duties under this chapter to any division, bureau, agency, or official of the department of health.~~

(2)(a) Except as provided in division (B)(2)(b) of this section, prior to the issuance of a license, each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The ~~and the~~ state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license.

(b) The inspections set forth in division (B)(2)(a) of this section are not required prior to the issuance of a license if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer.

(3) After issuance of a license by the director, each home shall be inspected as follows:

(a) By the director at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer except that a home that is a residential care facility, or part of a home for the aging that is licensed as a residential care facility, may, at the discretion of the director, be inspected at least once every thirty months if all of the following apply:

(i) During the two most recent consecutive inspections that occurred at least once every fifteen months, there were no substantiated violations against the residential care facility;

(ii) During the time period of the inspections referred to in division (B)(4)(a) of this section, there were no substantiated violations against the residential care facility from any other inspections or from any investigations of complaints;

(iii) The residential care facility does not have any outstanding violations from any previous inspections or investigations.

(b) By the state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal at least once every fifteen months.

(4) A nursing home does not need to be inspected before the director increases the nursing home's licensed capacity if the beds being added to the nursing home are placed in resident rooms that were inspected, as part of the most recent previous inspection of the nursing home, for the same number of residents proposed to be placed in a room after the capacity increase. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county home or district home, is operating despite the revocation of its residential care facility license. The director may delegate the director's authority and duties under this chapter to any division, bureau, agency, or official of the department of health.

(2)(5)(a) If, prior to issuance of a license, a home The inspection procedures established under division (B) of this section shall include a process for conducting expedited licensing inspections. An expedited licensing inspection may be requested by an applicant seeking a license for a new home or, in the case of an existing home, an applicant seeking approval to increase or decrease the home's licensed capacity or to make any other change for which the director requires a licensing inspection to be conducted.

If an applicant submits a complete request for an expedited licensing inspection and the request is submitted in a manner and form approved by the director, the director shall commence ~~an~~the inspection of the home not later than ten business days after receiving the complete request.

Any rules adopted by the director pursuant to section 3721.04 of the Revised Code to implement the requirements described in division (B)(5)(a)

of this section are not subject to the requirements of division (F) of section 121.95 of the Revised Code.

~~(b) On request, submitted in a manner and form approved by the director, the director may review plans for a building that is to be used as a home for compliance with applicable state and local building and safety codes.~~

~~(c) The director may charge a fee for an expedited licensing inspection or a plan review that is adequate to cover the expense of expediting the inspection or reviewing the plans. The fee shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code and used solely for expediting inspections and reviewing plans.~~

(C) A single facility may be licensed both as a nursing home pursuant to this chapter and as a residential facility pursuant to section 5119.34 of the Revised Code if the director determines that the part or unit to be licensed as a nursing home can be maintained separate and discrete from the part or unit to be licensed as a residential facility.

(D) In determining the number of residents in a home for the purpose of licensing, the director shall consider all the individuals for whom the home provides accommodations as one group unless one of the following is the case:

(1) The home is a home for the aging, in which case all the individuals in the part or unit licensed as a nursing home shall be considered as one group, and all the individuals in the part or unit licensed as a ~~rest home~~ residential care facility shall be considered as another group.

(2) The home is both a nursing home and a residential facility. In that case, all the individuals in the part or unit licensed as a nursing home shall be considered as one group, and all the individuals in the part or unit licensed as an ~~adult care~~ residential facility shall be considered as another group.

(3) The home maintains, in addition to a nursing home or residential care facility, a separate and discrete part or unit that provides accommodations to individuals who do not require or receive skilled nursing care and do not receive personal care services from the home, in which case the individuals in the separate and discrete part or unit shall not be considered in determining the number of residents in the home if the separate and discrete part or unit is in compliance with the Ohio basic building code established by the board of building standards under Chapters 3781. and 3791. of the Revised Code and the home permits the director, on request, to inspect the separate and discrete part or unit and speak with the

individuals residing there, if they consent, to determine whether the separate and discrete part or unit meets the requirements of this division.

(E)(1) The director of health shall charge the following application fee and annual renewal licensing and inspection fee for each fifty persons or part thereof of a home's licensed capacity:

- (a) For state fiscal year 2010, two hundred twenty dollars;
- (b) For state fiscal year 2011, two hundred seventy dollars;
- (c) For each state fiscal year thereafter, three hundred twenty dollars.

(2) All fees collected by the director for the issuance or renewal of licenses shall be deposited into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code for use only in administering and enforcing this chapter and rules adopted under it.

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in either of the following:

(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all of the following:

(i) The date the inspection or investigation was conducted;

(ii) A statement that the director of health inspects all homes at least once every fifteen months or, if applicable under this section, at least once every thirty months;

(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;

(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;

(v) The average number of findings and deficiencies cited in a statement

of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;

(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.

(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.081. (A) Notwithstanding any action the director of health may take under section 3721.08 of the Revised Code, if the director determines immediate action is necessary to protect resident health or safety because a home has neglected or refused to act with sufficient promptness or efficiency to protect resident health or safety, the director may do either or both of the following before a home is provided notice and an opportunity for a hearing under Chapter 119. of the Revised Code:

(1) Issue orders, including specifying actions that a home must take immediately to address resident health and safety;

(2) Take direct action to protect resident health or safety if the home fails to act on an order issued pursuant to division (A)(1) of this section.

(B)(1) Subject to divisions (B)(2) and (3) of this section, orders that may be issued and direct action that may be taken under this section include all of the following:

(a) Removing a threat to resident health or safety;

(b) Transferring residents to another home or appropriate care setting until a threat to resident health or safety is resolved;

(c) Appointing a temporary administrator for a home for the duration of an order;

(d) Issuing any other order or taking any other action as necessary to protect the health or safety of residents of a home.

(2) The director shall not enter a home pursuant to this section unless the director provides the operator with notice at least twenty-four hours in advance.

(3) The director's authority to transfer residents under this section is subject to both of the following:

(a) If the reason for the transfer is due to an environmental condition affecting the home, the director may transfer only those residents directly affected by the environmental condition.

(b) If the reason for the transfer is due to a clinical condition that affects the entire home, the director may transfer all residents for the lesser of thirty calendar days or until the date that the condition is no longer affecting the

home. If the condition persists longer than thirty calendar days, the director shall provide the home a notice regarding the reason for determining that the condition is still affecting the home. The home may request a hearing regarding the notice in accordance with this section.

(C) Any expenses incurred by a home to comply with an order issued under this section shall be borne by the home.

If a hearing is conducted in accordance with this section and the director is found to have acted in violation of this section, all reasonable expenses incurred by the home as a result of the director's action shall be reimbursed to the home by the department of health within ninety days after the date that the final adjudication order is issued.

(D) If a home fails to comply with an order issued under this section, the director shall issue an order imposing a fine of not more than one hundred thousand dollars for each instance of noncompliance. Any fine imposed shall be reasonably commensurate to the harm caused by the home, and the home may request a hearing as to the fine's reasonableness in accordance with this section.

(E) All fines collected under this section shall be deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(F) A home subject to an order or action under this section may request a hearing under Chapter 119. of the Revised Code. The request must be received by the director within fifteen days after the notice of the order was mailed. If the home timely requests a hearing, the date set for the hearing shall be within ten days after the home requested the hearing, unless otherwise agreed to by both the director and the home.

An order issued under this section shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order not later than thirty days after completion of the hearing.

A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code.

Sec. 3727.80. (A) As used in this section, "health benefit plan," "health plan issuer," and "health care services" have the same meanings as in section 3922.01 of the Revised Code.

(B) If a patient is admitted to a hospital for inpatient health care services and the hospital is informed at the time of admission that the person is covered by a health benefit plan, the hospital shall notify the health plan issuer of the admission within forty-eight hours of the patient being

admitted.

(C) If a patient is admitted to a hospital for inpatient health care services prior to the hospital being informed that the patient is covered by a health benefit plan, the hospital shall notify the health plan issuer within forty-eight hours of being informed the patient is covered by the health plan issuer.

(D) A hospital shall be considered to have been informed that a patient is covered by a health benefit plan upon being provided with an identification card that provides the health plan issuer's contact information or other information sufficient for the hospital to contact the health plan issuer and confirm coverage.

(E) The notice required under divisions (B) and (C) of this section shall be made in writing and may be provided through a secure electronic transmission by the hospital to the health plan issuer or, if written notice is not possible, then the notice shall be made by telephonic communication.

Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state:

(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste facility management fund created in section 3734.18 of the Revised Code and seventy cents of the proceeds of which shall be deposited in the state treasury to the credit of the hazardous waste clean-up fund created in section 3734.28 of the Revised Code;

(2) An additional seventy-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the waste management fund created in section 3734.061 of the Revised Code.

(3) An additional two dollars and eighty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the environmental protection fund created in section 3745.015 of the Revised Code;

(4) An additional twenty-five cents per ton through June 30, ~~2022~~2024, the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of

solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the transfer facilities. The monthly returns shall be filed on a form prescribed by the director. Not later than thirty days after the last day of the month to which a return applies, the owner or operator shall mail to the director the return for that month together with the fees required to be collected under this division during that month as indicated on the return or may submit the return and fees electronically in a manner approved by the director. If the return is filed and the amount of the fees due is paid in a timely manner as required in this division, the owner or operator may retain a discount of three-fourths of one per cent of the total amount of the fees that are required to be paid as indicated on the return.

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per

cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in writing, on a form prescribed by the director, and shall be supported by evidence that may be required in rules adopted by the director under this chapter. After reviewing the request, and if the request and evidence submitted with the request indicate that a refund or credit is warranted, the director shall grant a refund to the owner or operator or shall permit a credit to be taken by the owner or operator on a subsequent monthly return submitted by the owner or operator. The amount of a refund or credit shall not exceed an amount that is equal to ninety days' worth of fees owed to an owner or operator by a particular debtor of the owner or operator. A refund or credit shall not be granted by the director to an owner or operator more than once in any twelve-month period for fees owed to the owner or operator by a particular debtor.

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this

section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management

policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees. The committee shall determine if the resolution has been ratified in the same manner in which it determines if a draft solid waste management plan has been ratified under division (B) of section 3734.55 of the Revised Code.

The committee may amend the schedule of fees levied pursuant to a resolution adopted and ratified under this division by adopting a resolution establishing the proposed amount of the amended fees. The committee may

repeal the fees levied pursuant to such a resolution by adopting a resolution proposing to repeal them. Upon adopting such a resolution, the committee shall proceed to obtain ratification of the resolution in accordance with this division.

Not later than fourteen days after declaring the new fees to be ratified or the fees to be repealed under this division, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the ratification and the amount of the fees or of the repeal of the fees. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

Fees levied under this division also may be established, amended, or repealed by a solid waste management policy committee through the adoption of a new district solid waste management plan, the adoption of an amended plan, or the amendment of the plan or amended plan in accordance with sections 3734.55 and 3734.56 of the Revised Code or the adoption or amendment of a district plan in connection with a change in district composition under section 3734.521 of the Revised Code.

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting

from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of January immediately following the issuance of the notice. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the repeal of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan repeals a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If the schedule of fees that a solid waste management district is levying under divisions (B)(1) to (3) of this section is amended or repealed, the fees in effect immediately prior to the amendment or repeal shall continue to be collected until collection of the amended fees commences or collection of the repealed fees ceases, as applicable, as specified in this division. In the case of a change in district composition, money so received from the collection of the fees of the former districts shall be divided among the resulting districts in accordance with division (B) of section 343.012 of the

Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by

certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be

forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste

provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district;

(10) Payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section. In the case of a joint

solid waste management district, if the board of county commissioners of one of the counties in the district is negotiating on behalf of affected communities, as defined in that section, in that county, the board shall obtain the approval of the board of directors of the district in order to expend moneys for administrative costs incurred.

Prior to the approval of the district's solid waste management plan under section 3734.55 of the Revised Code, moneys in the special fund of the district arising from the fees shall be expended for those purposes in the manner prescribed by the solid waste management policy committee by resolution.

Notwithstanding division (G)(6) of this section as it existed prior to October 29, 1993, or any provision in a district's solid waste management plan prepared in accordance with division (B)(2)(e) of section 3734.53 of the Revised Code as it existed prior to that date, any moneys arising from the fees levied under division (B)(3) of this section prior to January 1, 1994, may be expended for any of the purposes authorized in divisions (G)(1) to (10) of this section.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for collecting and forwarding the fees levied under divisions (B) and (C) of this section to the boards of county commissioners or directors of county or joint solid waste management districts and to the treasurers or other officers of municipal corporations and the fiscal officers of townships. The rules also shall prescribe the dates for forwarding the fees to the boards and officials and may prescribe any other requirements the director considers necessary or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.85. (A) On and after the effective date of the rules adopted under sections 3734.70, 3734.71, 3734.72, and 3734.73 of the Revised Code, the director of environmental protection may take action under this section to abate accumulations of scrap tires. If the director determines that an accumulation of scrap tires constitutes a danger to the public health or safety or to the environment, the director shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation of scrap tires directing that person, within one hundred twenty days after the issuance of the order, to remove the accumulation of scrap tires from the premises on which it is located and transport the tires to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste

disposal facility in another state that is operating in compliance with the laws of that state. If the person responsible for causing the accumulation of scrap tires is a person different from the owner of the land on which the accumulation is located, the director may issue such an order to the landowner.

If the director is unable to ascertain immediately the identity of the person responsible for causing the accumulation of scrap tires, the director shall examine the records of the applicable board of health and law enforcement agencies to ascertain that person's identity. Before initiating any enforcement or removal actions under this division against the owner of the land on which the accumulation is located, the director shall initiate any such actions against the person that the director has identified as responsible for causing the accumulation of scrap tires. Failure of the director to make diligent efforts to ascertain the identity of the person responsible for causing the accumulation of scrap tires or to initiate an action against the person responsible for causing the accumulation shall not constitute an affirmative defense by a landowner to an enforcement action initiated by the director under this division requiring immediate removal of any accumulation of scrap tires.

Upon the written request of the recipient of an order issued under this division, the director may extend the time for compliance with the order if the request demonstrates that the recipient has acted in good faith to comply with the order. If the recipient of an order issued under this division fails to comply with the order within one hundred twenty days after the issuance of the order or, if the time for compliance with the order was so extended, within that time, the director shall take such actions as the director considers reasonable and necessary to remove and properly manage the scrap tires located on the land named in the order. The director, through employees of the environmental protection agency or a contractor, may enter upon the land on which the accumulation of scrap tires is located and remove and transport them to a scrap tire recovery facility for processing, to a scrap tire storage facility for storage, or to a scrap tire monocell or monofill facility for storage or disposal.

The director shall enter into contracts for the storage, disposal, or processing of scrap tires removed through removal operations conducted under this section.

If a person to whom a removal order is issued under this division fails to comply with the order and if the director performs a removal action under this section, the person to whom the removal order is issued is liable to the director for the costs incurred by the director for conducting the removal

operation, storage at a scrap tire storage facility, storage or disposal at a scrap tire monocell or monofill facility, or processing of the scrap tires so removed, the transportation of the scrap tires from the site of the accumulation to the scrap tire storage, monocell, monofill, or recovery facility where the scrap tires were stored, disposed of, or processed, and the administrative and legal expenses incurred by the director in connection with the removal operation. The director shall keep an itemized record of those costs. Upon completion of the actions for which the costs were incurred, the director shall record the costs at the office of the county recorder of the county in which the accumulation of scrap tires was located. The costs so recorded constitute a lien on the property on which the accumulation of scrap tires was located until discharged. Upon the written request of the director, the attorney general shall bring a civil action against the person responsible for the accumulation of the scrap tires that were the subject of the removal operation to recover the costs for which the person is liable under this division. Any money so received or recovered shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

If, in a civil action brought under this division, an owner of real property is ordered to pay to the director the costs of a removal action that removed an accumulation of scrap tires from the person's land or if a lien is placed on the person's land for the costs of such a removal action, and, in either case, if the landowner was not the person responsible for causing the accumulation of scrap tires so removed, the landowner may bring a civil action against the person who was responsible for causing the accumulation to recover the amount of the removal costs that the court ordered the landowner to pay to the director or the amount of the removal costs certified to the county recorder as a lien on the landowner's property, whichever is applicable. If the landowner prevails in the civil action against the person who was responsible for causing the accumulation of scrap tires, the court, as it considers appropriate, may award to the landowner the reasonable attorney's fees incurred by the landowner for bringing the action, court costs, and other reasonable expenses incurred by the landowner in connection with the civil action. A landowner shall bring such a civil action within two years after making the final payment of the removal costs to the director pursuant to the judgment rendered against the landowner in the civil action brought under this division upon the director's request or within two years after the director certified the costs of the removal action to the county recorder, as appropriate. A person who, at the time that a removal action was conducted under this division, owned the land on which the removal action was

performed may bring an action under this division to recover the costs of the removal action from the person responsible for causing the accumulation of scrap tires so removed regardless of whether the person owns the land at the time of bringing the action.

Subject to the limitations set forth in division (G) of section 3734.82 of the Revised Code, the director may use moneys in the scrap tire management fund for conducting removal actions under this division. Any moneys recovered under this division shall be credited to the scrap tire management fund.

(B) The director shall initiate enforcement and removal actions under division (A) of this section in accordance with the following descending listing of priorities:

(1) Accumulations of scrap tires that the director finds constitute a fire hazard or threat to public health;

(2) Accumulations of scrap tires determined by the director to contain more than one million scrap tires;

(3) Accumulations of scrap tires in densely populated areas;

(4) Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;

(5) Any other accumulations of scrap tires present on premises operating without a valid license issued under section 3734.05 or 3734.81 of the Revised Code.

(C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following:

(1) A premises where not more than one hundred scrap tires are present at any time;

(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:

(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.

(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.

(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;

(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire

storage area that occupies not more than twenty-five hundred square feet;

(5) A solid waste facility licensed under section 3734.05 of the Revised Code that stores scrap tires on the surface of the ground if the total land area on which scrap tires are actually stored does not exceed ten thousand square feet;

(6) A premises where not more than two hundred fifty scrap tires are stored or kept for agricultural use;

(7) A construction site where scrap tires are stored for use or used in road resurfacing or the construction of embankments;

(8) A scrap tire collection, storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code;

(9) A solid waste incineration or energy recovery facility that is subject to regulation under this chapter and that burns scrap tires;

(10) A premises where scrap tires are beneficially used and for which the notice required by rules adopted under section 3734.84 of the Revised Code has been given;

(11) A transporter registered under section 3734.83 of the Revised Code that collects and holds scrap tires in a covered trailer or vehicle for not longer than thirty days prior to transporting them to their final destination.

(D) Nothing in this section restricts any right any person may have under statute or common law to enforce or seek enforcement of any law applicable to the management of scrap tires, abate a nuisance, or seek any other appropriate relief.

(E) An owner of real property ~~upon which there is located an accumulation of not more than five thousand scrap tires~~ is not liable under division (A) of this section for the cost of the removal of ~~the~~ up to ten thousand scrap tires on the owner's property, or more at the director's discretion, and no lien shall attach to the property under this section, if all of the following conditions are met:

(1) The tires were placed on the property after the owner acquired title to the property, or the tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise.

(2) The owner of the property did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property.

(3) The owner of the property did not participate in or consent to the placing of the tires on the property.

(4) The owner of the property received no financial benefit from the

placing of the tires on the property or otherwise having the tires on the property.

(5) Title to the property was not transferred to the owner for the purpose of evading liability under division (A) of this section.

(6) The person responsible for placing the tires on the property, in doing so, was not acting as an agent for the owner of the property.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to defray the cost of administering and enforcing the scrap tire provisions of this chapter, rules adopted under those provisions, and terms and conditions of orders, variances, and licenses issued under those provisions; to abate accumulations of scrap tires; to make grants supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes and to support scrap tire amnesty and cleanup events; to make loans to promote the recycling or recovery of energy from scrap tires; and to defray the costs of administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, ~~2022~~2024.

(2) Beginning on July 1, 2011, and ending on June 30, ~~2022~~2024, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3735.65. As used in sections 3735.65 to 3735.70 of the Revised Code:

(A) "Housing officer" means an officer or agency of a municipal corporation or county designated by the legislative authority of the municipal corporation or county, pursuant to section 3735.66 of the Revised Code, for each community reinvestment area to administer sections 3735.65 to 3735.69 of the Revised Code. One officer or agency may be designated as the housing officer for more than one community reinvestment area.

(B) "Community reinvestment area" means an area within a municipal corporation or unincorporated area of a county for which the legislative authority of the municipal corporation or, for the unincorporated area, of the county, has adopted a resolution under section 3735.66 of the Revised Code

describing the boundaries of the area and containing a statement of finding that the area included in the description is one in which housing facilities or structures of historical significance are located and new housing construction and repair of existing facilities or structures are discouraged.

(C) "Remodeling" means any change made in a structure for the purpose of making it structurally more sound, more habitable, or for the purpose of improving its appearance.

(D) "Structure of historical or architectural significance" means those designated as such by resolution of the legislative authority of a municipal corporation, for those located in a municipal corporation, or the county, for those located in the unincorporated area of the county based on age, rarity, architectural quality, or because of a previous designation by a historical society, association, or agency.

(E) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 3735.67. (A) The owner of real property located in a community reinvestment area and eligible for exemption from taxation under a resolution adopted pursuant to section 3735.66 of the Revised Code may file an application for an exemption from real property taxation of a percentage of the assessed valuation of a new structure, or of the increased assessed valuation of an existing structure after remodeling began, if the new structure or remodeling is completed after the effective date of the resolution adopted pursuant to section 3735.66 of the Revised Code. The application shall be filed with the housing officer designated for the community reinvestment area in which the property is located. If any part of the new structure or remodeled structure that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to section 3735.671 of the Revised Code prior to commencement of construction or remodeling; if such an agreement is subject to approval by the board of education of the school district within the territory of which the property is or will be located, the agreement shall not be formally approved by the legislative authority until the board of education approves the agreement in the manner prescribed by that section.

(B) The housing officer shall verify the construction of the new structure or the cost of the remodeling of the existing structure and the facts asserted in the application. The housing officer shall determine whether the construction or remodeling meets the requirements for an exemption under this section. In cases involving a structure of historical or architectural significance, the housing officer shall not determine whether the remodeling

meets the requirements for a tax exemption unless the appropriateness of the remodeling has been certified, in writing, by the society, association, agency, or legislative authority that has designated the structure or by any organization or person authorized, in writing, by such society, association, agency, or legislative authority to certify the appropriateness of the remodeling.

(C) If the construction or remodeling meets the requirements for exemption, the housing officer shall forward the application to the county auditor with a certification as to the division of this section under which the exemption is granted, and the period and percentage of the exemption as determined by the legislative authority pursuant to that division. If the construction or remodeling is of commercial or industrial property and the legislative authority is not required to certify a copy of a resolution under section 3735.671 of the Revised Code, the housing officer shall comply with the notice requirements prescribed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(D) Except as provided in division (F) of this section, the tax exemption shall first apply in the year the construction or remodeling would first be taxable but for this section. In the case of remodeling that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the increased assessed valuation of an existing structure after remodeling began shall be exempted from real property taxation. In the case of construction of a structure that qualifies for exemption, a percentage, not to exceed one hundred per cent, of the assessed value of the structure shall be exempted from real property taxation. In either case, the percentage shall be the percentage set forth in the agreement if the structure or remodeling is to be used for commercial or industrial purposes, or the percentage set forth in the resolution describing the community reinvestment area if the structure or remodeling is to be used for residential purposes.

The construction of new structures and the remodeling of existing structures are hereby declared to be a public purpose for which exemptions from real property taxation may be granted for the following periods:

(1) For every dwelling and commercial or industrial properties, located within the same community reinvestment area, upon which the cost of remodeling is at least two thousand five hundred dollars in the case of a dwelling containing not more than two family units or at least five thousand dollars in the case of all other property, a period to be determined by the legislative authority adopting the resolution, but not exceeding fifteen years. The period of exemption for a dwelling described in division (D)(1) of this

section may be extended by a legislative authority for up to an additional ten years if the dwelling is a structure of historical or architectural significance, is a certified historic structure that has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), and units within the structure have been leased to individual tenants for five consecutive years;

(2) Except as provided in division (F) of this section, for construction of every dwelling, and commercial or industrial structure located within the same community reinvestment area, a period to be determined by the legislative authority adopting the resolution, but not exceeding fifteen years. The period of exemption for construction of a commercial or industrial structure may be extended by a legislative authority for up to an additional fifteen years if the structure is situated on the site of a megaproject or is owned and occupied by a megaproject supplier.

(E) Any person, board, or officer authorized by section 5715.19 of the Revised Code to file complaints with the county board of revision may file a complaint with the housing officer challenging the continued exemption of any property granted an exemption under this section. A complaint against exemption shall be filed prior to the thirty-first day of December of the tax year for which taxation of the property is requested. The housing officer shall determine whether the property continues to meet the requirements for exemption and shall certify the housing officer's findings to the complainant. If the housing officer determines that the property does not meet the requirements for exemption, the housing officer shall notify the county auditor, who shall correct the tax list and duplicate accordingly.

(F) The owner of a dwelling constructed in a community reinvestment area may file an application for an exemption after the year the construction first became subject to taxation. The application shall be processed in accordance with the procedures prescribed under this section and shall be granted if the construction that is the subject of the application otherwise meets the requirements for an exemption under this section. If approved, the exemption sought in the application first applies in the year the application is filed. An exemption approved pursuant to this division continues only for those years remaining in the period described in division (D)(2) of this section. No exemption may be claimed for any year in that period that precedes the year in which the application is filed.

Sec. 3735.671. (A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section 3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time

that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or of the increased assessed valuation of an existing structure after remodeling began that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the

structure or by a related member, as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section 5709.82 of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to

the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of

owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of owner) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If (insert name of owner) materially fails to fulfill its obligations under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name

of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

(11) If the agreement relates to a commercial or industrial structure subject to the extension for megaprojects or megaproject suppliers described in division (D)(2) of section 3735.67 of the Revised Code, both of the following:

(a) A requirement that the owner of the structure annually certify to the legislative authority whether the megaproject operator of the megaproject upon which the structure is situated or the megaproject supplier, as applicable, holds a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year;

(b) A provision authorizing the legislative authority to terminate the exemption for current and subsequent tax years if the megaproject operator or megaproject supplier does not hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year.

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under

that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 3735.672 or 5709.85 of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section 5709.62, 5709.63, or 5709.632 of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section.

The director of development services shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development services within fifteen days after the agreement is entered into.

Sec. 3736.01. As used in this chapter:

(A) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies:

(1) The person has been directed to do so by a public official as part of a litter collection drive.

(2) The person has thrown, dropped, discarded, placed, or deposited the material in a receptacle in a manner that prevented its being carried away by the elements.

(3) The person has been issued a permit or license covering the material pursuant to Chapter 3734. or 6111. of the Revised Code.

(B) "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of recovering and reusing the materials.

(C) "Agency of the state" includes, but is not limited to, an agency subject to Chapter 119. of the Revised Code and a state university or college as defined in section 3345.12 of the Revised Code.

(D) "Source reduction" means activities that decrease the initial production of waste materials at their point of origin.

(E) "Enterprise" means a business with its principal place of business in this state and that proposes to engage in research and development or recycling in this state.

(F) "Research and development" means inquiry, experimentation, or demonstration to advance basic scientific or technical knowledge or the application, adaptation, or use of existing or newly discovered scientific or technical knowledge regarding recycling, source reduction, or litter prevention.

(G) "Recyclables" means waste materials that are collected, separated, or processed and used as raw materials or products.

(H) "Recycling market development" means activities that stimulate the demand for recycled products, provide for a consistent supply of recyclables to meet the needs of recycling industries, or both.

(I) "Solid waste management districts" means solid waste management districts established under Chapter 343. of the Revised Code.

(J) "Synthetic rubber" means produced or extended rubber and products made from a synthetic rubber base material originating from petrochemical feedstocks, including scrap tires, tire molds, automobile engine belts, brake pads and hoses, weather stripping, fittings, electrical insulation, and other molded objects and parts.

(K) "Auxiliary container" has the same meaning as in section 3767.32 of the Revised Code.

Sec. 3736.021. A person may use an auxiliary container for purposes of commerce or otherwise.

Nothing in this section shall be construed to prohibit or limit the authority of any county, municipal corporation, or solid waste management district to implement a voluntary recycling program.

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or,

regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount.

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal.

(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program.

(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small governments of loans authorized under this section. The fund also shall consist of appropriated money. Investment earnings on money in the fund shall be credited to the fund. The state fire marshal shall use the money credited to the fund to make loans to qualifying

small governments as described in this section. The state fire marshal may loan money from repaid loans credited to the fund at any time to qualifying small governments in accordance with this section.

(F) If the director of commerce determines that the cash balance in the small government fire department services revolving loan fund is insufficient to implement the program established under this section, the director may certify the amount needed, which cannot exceed the amount appropriated to the program for the biennium period for which the certification is made, to the director of budget and management. Upon certification, the director of budget and management may transfer from the state fire marshal's fund established in section 3737.71 of the Revised Code to the small government fire department services revolving loan fund any amount up to, but not exceeding, the amount certified by the director of commerce.

Sec. 3737.71. Each insurance company doing business in this state shall pay to the state in installments, at the time of making the payments required by section 5729.05 of the Revised Code, in addition to the taxes required to be paid by it, three-fourths of one per cent on the gross premium receipts derived from fire insurance and that portion of the premium reasonably allocable to insurance against the hazard of fire included in other coverages except life and sickness and accident insurance, after deducting return premiums paid and considerations received for reinsurances as shown by the annual statement of such company made pursuant to sections 3929.30, 3931.06, and 5729.02 of the Revised Code. The money received shall be paid into the state treasury to the credit of the state fire marshal's fund, which is hereby created. The fund shall be used for the maintenance and administration of the office of the fire marshal and the Ohio fire academy established by section 3737.33 of the Revised Code. If the director of commerce certifies to the director of budget and management that the cash balance in the state fire marshal's fund is in excess of the amount needed to pay ongoing operating expenses, the director of commerce, with the approval of the director of budget and management, may use the excess amount to acquire by purchase, lease, or otherwise, real property or interests in real property to be used for the benefit of the office of the state fire marshal, or to construct, acquire, enlarge, equip, furnish, or improve the fire marshal's office facilities or the facilities of the Ohio fire academy. The state fire marshal's fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce ~~and approved by the director of budget and management~~. Such assessment shall be paid from the

state fire marshal's fund to the division of administration fund.

Notwithstanding any other provision in this section, if the director of budget and management determines at any time that the money in the state fire marshal's fund exceeds the amount necessary to defray ongoing operating expenses in a fiscal year, the director may transfer the excess to the general revenue fund.

Sec. 3740.01. As used in this chapter:

(A) "Community-based long-term care provider" means a provider, as defined in section 173.39 of the Revised Code.

(B) "Community-based long-term care subcontractor" means a subcontractor, as defined in section 173.38 of the Revised Code.

(C) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(D) "Direct care" means any of the following:

(1) Any service identified in divisions (G)(1) to (6) of this section that is provided in a patient's place of residence used as the patient's home;

(2) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;

(3) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.

(E) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(F) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.

(G) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, pediatric respite care program, informal respite care provider, provider certified by the department of developmental disabilities under Chapter 5123. of the Revised Code, residential facility, shared living provider, or immediate family member, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:

(1) Skilled nursing care;

(2) Physical therapy;

(3) Occupational therapy;

(4) Speech-language pathology;

(5) Medical social services;

(6) Home health aide services.

(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:

(1) Hands-on bathing or assistance with a tub bath or shower;

(2) Assistance with dressing, ambulation, and toileting;

(3) Catheter care but not insertion;

(4) Meal preparation and feeding.

(I) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.

(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Nonagency provider" means a person who provides direct care to an individual on a self-employed basis and does not employ, directly or through contract, another person to provide the services. "Nonagency provider" does not include any of the following:

(1) A caregiver who is an immediate family member of the individual receiving direct care;

(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;

(3) A volunteer;

(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;

(5) A person who provides privately funded child care;

(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code.

(N) "Nonmedical home health services" means any of the following:

(1) Any service identified in divisions (H)(1) to (4) of this section;

(2) Personal care services;

(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.

(O) "Nursing home," "residential care facility," and "skilled nursing

care" have the same meanings as in section 3721.01 of the Revised Code.

(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.

(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community:

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living;

(2) Assistance managing the individual's home and handling personal affairs;

(3) Assistance with self-administration of medications;

(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family;

(5) Respite services for the individual's caregiver;

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries.

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(T) "Skilled home health services" means any of the following:

(1) Any service identified in divisions (G)(1) to (5) of this section;

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.

(U) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.

(V) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(W) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.

Sec. 3740.02. Beginning one year after the effective date of this section:

(A)(1) No home health agency shall do either of the following unless the agency holds a current, valid license to provide skilled home health services issued under this chapter:

(a) Provide skilled home health services through one or more employees;

(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services.

(2) No home health agency shall do either of the following unless the agency holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:

(a) Provide nonmedical home health services through one or more employees:

(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services.

(B)(1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter:

(a) Provide skilled home health services;

(b) Hold oneself out as a provider of skilled home health services.

(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:

(a) Provide nonmedical home health services;

(b) Hold oneself out as a provider of nonmedical home health services.

Sec. 3740.03. (A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:

(a) Evidence that the agency or provider meets one of the following:

(i) Is certified for participation in the medicare program;

(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization approved by the United States centers for medicare and medicaid services and recognized by the department pursuant to rules adopted under section 3740.10 of the Revised Code;

(iii) Is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services;

(iv) Otherwise meets medicare conditions of participation, even though not certified for participation in the medicare program.

(b) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of fifty thousand dollars.

(c) An application fee in the amount of two hundred fifty dollars.

(2) An applicant applying on the basis of division (A)(1)(a)(iv) of this section shall provide documentation and comply with conditions as prescribed by rules adopted under section 3740.10 of the Revised Code.

(B)(1) Except as provided in division (B)(2) of this section, a home health agency or nonagency provider seeking to provide nonmedical home health services shall apply to the department of health for a nonmedical home health services license. Except as provided in division (B)(3) of this section, the application shall include all of the following:

(a) Fingerprint impressions of the primary owner of the home health agency or of the nonagency provider;

(b) Copies of any documents filed and recorded with the secretary of state;

(c) A notarized affidavit verifying the identity of the applicant;

(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;

(e) A statement identifying the days and hours of operation for the applicant;

(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;

(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;

(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;

(i) An application fee in the amount of two hundred fifty dollars.

(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.

(3) The director of health shall waive receipt of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits evidence that the agency or provider is certified by the department of aging under section 173.391 of the Revised Code to provide community-based long-term care services.

(C) An applicant under this section shall use the application form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with license procedures established by those rules.

Sec. 3740.04. The department of health shall review each license

application received under section 3740.03 of the Revised Code. The department's review of the application shall include a site visit for each applicant seeking a license on the basis of division (A)(1)(a)(i) of section 3740.03 of the Revised Code to verify that medicare conditions of participation are met, unless the applicant has already had such a site visit within the five-year period immediately preceding the date of the application.

Except as provided in section 3740.07 of the Revised Code, the department shall issue the appropriate license to an applicant if the applicant has paid the application fee and demonstrated to the department's satisfaction that the requirements established under section 3740.03 of the Revised Code are met.

Sec. 3740.05. (A) Except as provided in section 3740.07 of the Revised Code and in division (B) of this section, a license issued under section 3740.04 of the Revised Code is valid for three years. A person seeking to renew the license shall apply to the department of health using a license renewal form prescribed by rules adopted under section 3740.10 of the Revised Code and comply with any renewal application procedures established by those rules. The department shall review each application for license renewal and shall renew the license for three years if the applicant has paid the renewal fee of two hundred fifty dollars and demonstrated to the department's satisfaction that the applicant continues to meet the requirements established in section 3740.03 of the Revised Code.

(B) The department may adjust an initial license renewal date to align renewal of a license issued under this chapter with the renewal of a certification or accreditation identified in divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised Code.

Sec. 3740.07. (A) For any of the reasons established in rules adopted under section 3740.10 of the Revised Code, the department of health may take one or more of the following actions, as applicable, with respect to an applicant for or the holder of a license under this chapter:

- (1) Refuse to issue a license;
- (2) Refuse to renew or reinstate the holder's license;
- (3) Impose limitations on the holder's license;
- (4) Revoke or suspend the holder's license;
- (5) Place the license holder on probation with regard to the holder's license or otherwise reprimand the license holder.

(B) All actions taken under this section shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 3740.10. (A) The director of health shall adopt rules as the director

considers necessary to implement this chapter, including rules that do all of the following:

- (1) Prescribe license application forms and procedures;
- (2) Specify the documentation that must be provided and conditions that must be met by an applicant seeking a license on the basis of division (A)(1)(a)(iv) of section 3740.03 of the Revised Code;
- (3) Prescribe license renewal application forms and procedures;
- (4) Establish the reasons for which the department of health may take action under section 3740.07 of the Revised Code;
- (5) Processes for dispute resolution and appeals related to licensing disputes.

(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. In addition, the rules shall be adopted in consultation with the director of aging and medicaid director.

~~Sec. 3701.88+ 3740.11.~~ (A) As used in this section:

- ~~(1) "Applicant", "applicant" means a person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual or is referred to a home health agency by an employment service for such a position.~~
- ~~(2) "Community based long term care provider" means a provider as defined in section 173.39 of the Revised Code.~~
- ~~(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.~~
- ~~(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~
- ~~(5) "Direct care" means any of the following:~~
 - ~~(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;~~
 - ~~(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;~~
 - ~~(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.~~
- ~~(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.~~
- ~~(7) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct~~

~~care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.~~

~~(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:~~

- ~~(a) Skilled nursing care;~~
- ~~(b) Physical therapy;~~
- ~~(c) Speech language pathology;~~
- ~~(d) Occupational therapy;~~
- ~~(e) Medical social services;~~
- ~~(f) Home health aide services.~~

~~(9) "Home health aide services" means any of the following services provided by an employee of a home health agency:~~

- ~~(a) Hands on bathing or assistance with a tub bath or shower;~~
- ~~(b) Assistance with dressing, ambulation, and toileting;~~
- ~~(c) Catheter care but not insertion;~~
- ~~(d) Meal preparation and feeding.~~

~~(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.~~

~~(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.~~

~~(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.~~

~~(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.~~

~~(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.~~

~~(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.~~

~~(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.~~

~~(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.~~

~~(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.~~

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an

individual if any of the following apply:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the home health agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Except as provided by division (F) of this section, the chief administrator of a home health agency shall inform each applicant of both of the following at the time of the applicant's initial application for employment or referral to the home health agency by an employment service for a position that involves providing direct care to an individual:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the home health agency is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(D) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a

home health agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a home health agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to conduct a database review of an applicant or employee if division (F) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules adopted under this section.

(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position

that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof that the applicant or employee has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall do all of the following:

(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Obtain the completed form and standard impression sheet from each applicant and employee;

(c) Forward the completed form and standard impression sheet to the superintendent at the time the chief administrator requests the criminal records check.

(3) A home health agency shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the agency requests under this section. A home health agency may charge an applicant a fee not exceeding the amount the agency pays to the bureau under this section if both of the following apply:

(a) The home health agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time,

or temporary staff for positions that involve providing direct care to an individual and both of the following apply:

(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee.

(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency;

(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section.

(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies:

(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment.

(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following:

(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant;

(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense;

(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter;

(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results.

(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency.

(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the home health agency shall terminate the applicant's employment unless circumstances specified in rules adopted under this section that permit the agency to employ the applicant exist and the agency chooses to employ the applicant. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the home health agency about the applicant's criminal record.

(H) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The home health agency requesting the criminal records check or its representative;

(3) The administrator of any other facility, agency, or program that provides direct care to individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;

(6) The director of aging or the director's designee if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.

(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply:

(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.

(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program.

(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply:

(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules

adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3740.99. Whoever violates section 3740.02 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; for each subsequent offense, the person is guilty of a misdemeanor of the first degree.

Sec. 3741.14. (A) Each filling station offering self-service shall be operated in accordance with the most recent version of the national fire protection association standard number ~~30A-1990~~ 30A, as that standard is incorporated into the fire code adopted by the state fire marshal in accordance with section 3737.82 of the Revised Code, and the provisions of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 5

U.S.C.A. 5108, and any amendments thereto and standards adopted thereunder.

(B) The fire marshal shall adopt, as part of the state fire code, rules governing the equipment, operation, and maintenance of filling stations. The rules shall be such as are necessary for the protection of the persons and property of the public, but shall require as a minimum that:

(2) A sign, in block letters at least four inches in height, be conspicuously displayed on each gasoline pump island where self-service is offered stating that it is a self-service island;

(3) Signs giving instructions for the operation of gasoline dispensing equipment, in block letters, be conspicuously posted at each filling station offering self-service;

(4) A sign bearing the following words in block letters be conspicuously posted on each gasoline pump island where self-service is offered:

(a) "STOP ENGINE";

(b) "NO SMOKING";

(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE GASOLINE INTO UNAPPROVED CONTAINERS";

(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST REMAIN AT THE REFUELING POINT DURING REFUELING".

(5) All signs required by this section be constructed of rigid, weather-resistant material;

(6) Gasoline dispensing nozzles used by any person other than a supervisor, employee, or attendant be of an approved automatic closing type. Any person other than a supervisor, employee, or attendant using a dispenser with a hold-open latch shall remain at the refueling point during refueling.

(C) The fire marshal shall not prohibit the operation of a filling station offering self-service solely because it is an unattended filling station that utilizes key- or card-operated self-service flammable or combustible liquid dispensing equipment.

(D) Nothing in this section shall be interpreted to prohibit the fire marshal from adopting reasonable rules governing the safety of self-service flammable or combustible liquid dispensing equipment.

Sec. 3745.014. There is hereby created in the state treasury the central support indirect fund, which shall be administered by the director of environmental protection. Money credited to the fund shall be used for administrative costs of the environmental protection agency. The director may assess any operating funds from which the agency receives

appropriations, except the central support indirect fund, for a share of the administrative costs of the agency. The amounts assessed shall be transferred to the central support indirect fund by means of intrastate transfer vouchers. The director, ~~with the approval of the director of budget and management,~~ shall determine the rate of assessments.

Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No fee shall be charged for any issuance for which no application has been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in this division. For the purposes of this division, total emissions of air contaminants may be calculated using engineering calculations, emissions factors, material balance calculations, or performance testing procedures, as authorized by the director.

The following fees shall be assessed on the total actual emissions from a source in tons per year of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of each such regulated pollutant during the period July through December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of each such regulated pollutant during calendar year 1994, to be collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions of each such regulated pollutant in calendar year 1995, and each subsequent calendar year, to be collected no sooner than the fifteenth day of April of the year next succeeding the calendar year in which the emissions occurred.

The fees levied under this division do not apply to that portion of the emissions of a regulated pollutant at a facility that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section are for the purpose of providing funding for the Title V permit program.

(2) The fees assessed under division (B) of this section do not apply to emissions from any electric generating unit designated as a Phase I unit

under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

~~(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:~~

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300
100 or more	700

~~(2)~~ Except as provided in division ~~(D)(3)~~(D)(2) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year

of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 10	\$ 100
10 or more, but less than 50	200
50 or more, but less than 100	300
100 or more	700

~~(3)(a)(2)(a)~~ As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2022~~2024, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility
Less than 10	\$ 170
10 or more, but less than 20	340
20 or more, but less than 30	670
30 or more, but less than 40	1,010
40 or more, but less than 50	1,340
50 or more, but less than 60	1,680
60 or more, but less than 70	2,010
70 or more, but less than 80	2,350
80 or more, but less than 90	2,680
90 or more, but less than 100	3,020
100 or more	3,350

~~(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.~~ (3) The fees assessed under division ~~(D)(2)~~(D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division ~~(D)(3)~~(D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this

section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)

Input capacity (maximum) (million British thermal units per hour)	Permit to install
Greater than 0, but less than 10	\$ 200
10 or more, but less than 100	400
100 or more, but less than 300	1000
300 or more, but less than 500	2250
500 or more, but less than 1000	3750
1000 or more, but less than 5000	6000
5000 or more	9000

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity

Generating capacity (mega watts)	Permit to install
0 or more, but less than 10	\$ 25
10 or more, but less than 25	150
25 or more, but less than 50	300
50 or more, but less than 100	500
100 or more, but less than 250	1000
250 or more	2000

(3) Incinerators

Input capacity (pounds per hour)	Permit to install
0 to 100	\$ 100
101 to 500	500
501 to 2000	1000
2001 to 20,000	1500
more than 20,000	3750

(4)(a) Process

Process weight rate (pounds per hour)	Permit to install
0 to 1000	\$ 200
1001 to 5000	500
5001 to 10,000	750
10,001 to 50,000	1000
more than 50,000	1250

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

Major group 10, metal mining;

Major group 12, coal mining;
 Major group 14, mining and quarrying of nonmetallic minerals;
 Industry group 204, grain mill products;
 2873 Nitrogen fertilizers;
 2874 Phosphatic fertilizers;
 3281 Cut stone and stone products;
 3295 Minerals and earth, ground or otherwise treated;
 4221 Grain elevators (storage only);
 5159 Farm related raw materials;
 5261 Retail nurseries and lawn and garden supply stores.

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install
0 to 10,000	\$ 200
10,001 to 50,000	400
50,001 to 100,000	500
100,001 to 200,000	600
200,001 to 400,000	750
400,001 or more	900
(5) Storage tanks	
Gallons (maximum useful capacity)	Permit to install
0 to 20,000	\$ 100
20,001 to 40,000	150
40,001 to 100,000	250
100,001 to 500,000	400
500,001 or greater	750
(6) Gasoline/fuel dispensing facilities	
For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install \$ 100
(7) Dry cleaning facilities	
For each dry cleaning facility (includes all units at the facility)	Permit to install \$ 100
(8) Registration status	
For each source covered by registration status	Permit to install \$ 75

(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:

Action	Fee
Each notification	\$75
Asbestos removal	\$3/unit
Asbestos cleanup	\$4/cubic yard

For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.

(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay a fee equal to one-half the fee originally assessed for the permit to install under this section, except that the fee for such an extension shall not exceed two hundred dollars.

(I) A person who is issued a modification to a permit to install an air contaminant source pursuant to rules adopted under section 3704.03 of the Revised Code shall pay a fee equal to one-half of the fee that would be assessed under this section to obtain a permit to install the source. The fee assessed by this division only applies to modifications that are initiated by the owner or operator of the source and shall not exceed two thousand dollars.

(J) Notwithstanding division (F) of this section, a person who applies for or obtains a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code after the date actual construction of the source began shall pay a fee for the permit to install that is equal to twice the fee that otherwise would be assessed under the applicable division unless the applicant received authorization to begin construction under division (W) of section 3704.03 of the Revised Code. This division only applies to sources for which actual construction of the source begins on or after July 1, 1993. The imposition or payment of the fee established in this division does not preclude the director from taking any administrative or judicial enforcement action under this chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised Code, or a rule adopted under any of them, in connection with a violation of rules adopted under division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the

laying of underground pipework.

(K)(1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2022~~2024, and a nonrefundable application fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2022~~2024, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2022~~2024, and five thousand dollars on and after July 1, ~~2022~~2024. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(3)(a)(i) Not later than January 30, ~~2020~~2022, and January 30, ~~2021~~2023, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional

amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(3)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(3)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(3)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(3)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(3)(a)(ii) of this section.

(b)(i) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2020 <u>2022</u> , and January 30, 2021 <u>2023</u>
5,000 to 49,999	\$ 200
50,000 to 100,000	500
100,001 to 250,000	1,050
250,001 to 1,000,000	2,600
1,000,001 to 5,000,000	5,200
5,000,001 to 10,000,000	10,350
10,000,001 to 20,000,000	15,550
20,000,001 to 50,000,000	25,900
50,000,001 to 100,000,000	41,400
100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2020 <u>2022</u> , and January 30, 2021 <u>2023</u>
5,000 to 49,999	\$ 250
50,000 to 250,000	1,200
250,001 to 1,000,000	2,950
1,000,001 to 5,000,000	5,850
5,000,001 to 10,000,000	8,800
10,000,001 to 20,000,000	11,700
20,000,001 to 100,000,000	14,050
100,000,001 to 250,000,000	16,400
250,000,001 or more	18,700

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any

person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(4) Each person obtaining an NPDES permit for municipal storm water discharge shall pay a nonrefundable storm water annual discharge fee of ten dollars per one-tenth of a square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(4) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(5) The director shall transmit all moneys collected under division (L) of this section to the treasurer of state for deposit into the state treasury to the credit of the surface water protection fund created in section 6111.038 of the Revised Code.

(6) As used in this section:

(a) "NPDES" means the federally approved national pollutant discharge elimination system individual and general program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Chapter 6111. of the Revised Code and rules adopted under it.

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director.

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director.

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director.

(M) Through June 30, ~~2022~~2024, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule:

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Number of service connections	Fee amount
Not more than 49	\$ 112
50 to 99	176
Number of service connections	Average cost per connection
100 to 2,499	\$ 1.92
2,500 to 4,999	1.48
5,000 to 7,499	1.42
7,500 to 9,999	1.34
10,000 to 14,999	1.16
15,000 to 24,999	1.10
25,000 to 49,999	1.04
50,000 to 99,999	.92
100,000 to 149,999	.86
150,000 to 199,999	.80
200,000 or more	.76

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtailed, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Population served	Fee amount
Fewer than 150	\$ 112
150 to 299	176
300 to 749	384
750 to 1,499	628
1,500 to 2,999	1,268
3,000 to 7,499	2,816
7,500 to 14,999	5,510
15,000 to 22,499	9,048
22,500 to 29,999	12,430

30,000 or more 16,820

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount
1	\$112
2	112
3	176
4	278
5	568
System designated as using a surface water source	792

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2022~~2024, and fifteen thousand dollars on and after July 1, ~~2022~~2024. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay

administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2022~~2024, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological	
MMO-MUG	\$2,000
MF	2,100
MMO-MUG and MF	2,550
organic chemical	5,400
trace metals	5,400
standard chemistry	2,800
limited chemistry	1,550

On and after July 1, ~~2022~~2024, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650
organic chemicals	3,500
trace metals	3,500
standard chemistry	1,800
limited chemistry	1,000

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2022~~2024, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay ~~eighteen~~ five hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means ~~microfiltration~~ membrane filtration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for

certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2022~~2024:

Class A operator	\$ 80
Class I operator	105
Class II operator	120
Class III operator	130
Class IV operator	145

On and after December 1, ~~2022~~2024, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50
Class I operator	70
Class II operator	80
Class III operator	90
Class IV operator	100

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25
Class I operator	35
Class II operator	45
Class III operator	55
Class IV operator	65

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45
Class I operator	55
Class II operator	65
Class III operator	75
Class IV operator	85

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five

hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division

resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap tire collection facility under section 3734.75 of the Revised Code shall pay a fee of two hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of three hundred dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage facility under section 3734.76 of the Revised Code shall pay a fee of one thousand dollars, except that if the facility is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the person shall pay a fee of fifty dollars.

(4) A person issued a permit for a scrap tire monocell or monofill facility under section 3734.77 of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal capacity or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars.

(5) A person issued a registration certificate for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one hundred dollars.

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions (R)(1) to (6) of this section, a person issued a registration

certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions (R)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.~~

~~(b)~~ Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2022~~2024.

~~(e)(i)(b)(i)~~ Except as otherwise provided in divisions ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2022~~2024, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2022~~2024, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee
0 to 1,000	\$ 0
1,001 to 5,000	100
5,001 to 50,000	200
50,001 to 100,000	300
100,001 to 300,000	525
over 300,000	750

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and (ii) of this

section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)(S)(1)(b)(i)~~ and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

~~(d)(c)~~ In addition to the application fee established under division ~~(S)(1)(e)(i)(S)(1)(b)(i)~~ of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division ~~(S)(1)(e)(i)(S)(1)(b)(i)~~ of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

~~(e)(d)~~ The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

~~(f)(e)~~ The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division ~~(S)(3)(S)(2)~~ of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

~~(g) If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable.~~

~~(h)(f)~~ If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay all applicable fees as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit,

variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid.

~~(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code.~~

~~(3) A person applying for coverage under an NPDES general discharge permit for household sewage treatment systems shall pay the following fees:~~

~~(a) A a nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;~~

~~(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage. No fee is required for an application for permit coverage renewal.~~

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any

applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which a fee is prescribed in division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section.

(V) Except as provided in divisions (L), (M), (P), and (S) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code.

(X) As used in divisions (B), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code.

(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable

requirement as part of the processing of a permit, permit revision, or permit renewal;

(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;

(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;

(e) Emission and ambient monitoring;

(f) Modeling, analyses, or demonstrations;

(g) Preparing inventories and tracking emissions;

(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.

(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge

that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April thereafter, the director shall issue invoices to persons who are required to pay the annual sludge fee. The invoice shall identify the nature and amount of the annual sludge fee assessed and state the first day of May as the deadline for receipt by the director of objections regarding the amount of the fee and the first day of July as the deadline for payment of the fee.

Not later than the first day of May following receipt of an invoice, a person required to pay the annual sludge fee may submit objections to the director concerning the accuracy of information regarding the number of dry tons of sewage sludge used to calculate the amount of the annual sludge fee or regarding whether the sewage sludge qualifies for the exceptional quality sludge discount established in division (Y)(2)(b) of this section. The director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The

moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of

the following qualifications:

- (i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);
 - (ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);
 - (iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;
 - (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.
- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.
- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.
- (g) "Land reclamation" means the returning of disturbed land to productive use.
- (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.
- (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.
- (j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.
- (k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.
- (l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code.
- (m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity.

Sec. 3746.01. As used in this chapter:

(A) "Accredited laboratory" means a laboratory that is accredited as follows:

(1) For analysis of asbestos, valid accreditation by one of the following:

(a) The American industrial hygiene association, asbestos analysts registry;

(b) The national institute of standards technology, national voluntary laboratory accreditation program for asbestos fiber analysis;

(c) An accreditation body recognized by the national environmental laboratory accreditation conference.

(2) For analysis of any constituent other than asbestos, valid accreditation by one of the following:

(a) The national environmental laboratory accreditation program;

(b) A national environmental laboratory accreditation program accreditation from an accreditation body recognized by the national environmental laboratory accreditation conference.

(B) "Activity and use limitations" has the same meaning as in section 5301.80 of the Revised Code.

~~(B)~~(C) "Affiliated" means under common ownership or control.

~~(C)~~(D) "Applicable standards," unless the context indicates otherwise, means standards that applied before the effective date of this amendment, standards established in or pursuant to sections 3746.05; and 3746.06, ~~and 3746.07~~ of the Revised Code, in or pursuant to rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code, pursuant to rules adopted under division ~~(B)(12)(b)~~(B)(11)(b) of section 3746.04 of the Revised Code, or alternative standards and terms and conditions set forth in a variance issued under section 3746.09 of the Revised Code, as applicable.

~~(D)~~(E) "Background level" means the conditions at a property and areas surrounding a property that are unaffected by any current or past activities involving treatment, storage, or disposal of hazardous substances or petroleum. "Background level" includes naturally occurring substances.

~~(E)~~(F) "Certified laboratory" means a laboratory that was certified by the director of environmental protection pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code, to perform analyses in connection with voluntary actions before the effective date of this amendment.

~~(F)~~(G) "Certified professional" means a person certified by the director pursuant to rules adopted under division (B)(5) of section 3746.04 of the Revised Code, or deemed to be certified ~~under division (D) of section~~

~~3746.07 of the Revised Code~~ before the effective date of this amendment, to issue no further action letters under section 3746.11 of the Revised Code.

~~(G)~~(H) "Covenant not to sue" means a release from liability that is issued by the director under section 3746.12 of the Revised Code.

~~(H)~~(I) "Environmental covenant" has the same meaning as in section 5301.80 of the Revised Code.

~~(I)~~(J) "Hazardous substance" includes all of the following:

(1) Any substance identified or listed in rules adopted under division (B)(1)(c) of section 3750.02 of the Revised Code;

(2) Any product registered as a pesticide under section 921.02 of the Revised Code when the product is used in a manner inconsistent with its required labeling;

(3) Any product formerly registered as a pesticide under that section for which the registration was suspended or canceled under section 921.05 of the Revised Code;

(4) Any mixture of a substance described in divisions ~~(I)~~(J)(1) to (3) of this section with a radioactive material.

~~(J)~~(K) "Owner or operator" includes both of the following:

(1) Any person owning or holding a legal, equitable, or possessory interest in or having responsibility for the daily activities on a property;

(2) In the case of property title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to this state or a political subdivision of this state, any person who owned, operated, or otherwise controlled activities occurring on the property before the conveyance.

~~(K)~~(L) "Person" means any person as defined in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, any other body of this state or of a political subdivision of this state, the board of directors of a nonprofit corporation governing a special improvement district created under Chapter 1710. of the Revised Code, and the United States and any agency or instrumentality thereof.

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in any form, including, without limitation, crude oil or any fraction thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, used oil, substances or additives utilized in the refining or blending of crude petroleum or petroleum stock, natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, and mixtures of natural gas and synthetic gas.

~~(M)~~(N) "Property," except for the purposes of sections 3746.02, 3746.26, and 3746.27 of the Revised Code, means any parcel of real

property, or portion thereof, and any improvements thereto, the limits of which have been described in writing by the owner of record or a legally appointed representative of the owner and that is or has been the subject of a voluntary action under this chapter and rules adopted under it.

~~(N)~~(O) "Radioactive material" means a substance that spontaneously emits ionizing radiation.

~~(O)~~(P) "Related" means the persons are related by consanguinity or marriage.

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, migrating, dumping, or disposing of any hazardous substance or petroleum into the environment, including, without limitation, the abandonment or discarding of barrels, containers, or any other closed receptacle containing any hazardous substance, petroleum, or pollutant or contaminant. "Release" does not include any of the following:

(1) Any release that results solely in the exposure of individuals to hazardous substances or petroleum in the workplace with respect to which those individuals may assert a claim against their employer and that is regulated under the "Occupational Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as amended, and regulations adopted under that act, or under Chapter 4167. of the Revised Code and rules adopted under it;

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;

(3) Any release of a source, byproduct, or special nuclear material from a nuclear incident, as "source material," "byproduct material," "special nuclear material," and "nuclear incident" are defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, if the release is subject to financial protection requirements under section 170 of that act unless any such material is mixed with a hazardous substance or petroleum;

(4) Any federally permitted release as defined in section 101(10) of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 U.S.C.A. 9601, as amended;

(5) The normal application of a fertilizer material that is intended to improve the quality or quantity of plant growth.

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that are taken at a property to treat, remove, transport for treatment or disposal, dispose of, contain, or control hazardous substances or petroleum, are protective of public health and safety and the environment, and are consistent with a permanent remedy, including, without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or activity

and use limitations, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code.

~~(R)~~(S) "Voluntary action" means a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards. "Voluntary action" may include, without limitation, a phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code or ~~division (B)~~ of section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, a phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code or ~~division (C)~~ of section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, and a sampling plan, a remedial plan, or remedial activities followed by the issuance of a no further action letter under section 3746.11 of the Revised Code indicating that the property meets applicable standards upon demonstration by the person undertaking the measures either that there is no information indicating that there has been a release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved in accordance with this chapter and rules adopted under it.

Sec. 3746.04. ~~Within one year after September 28, 1994, the~~ The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt, and subsequently may amend, suspend, or rescind, rules that do both of the following:

(A) Revise the rules adopted under Chapters 3704., 3714., 3734., 6109., and 6111. of the Revised Code to incorporate the provisions necessary to conform those rules to the requirements of this chapter. The amended rules adopted under this division also shall establish response times for all submittals to the environmental protection agency required under this chapter or rules adopted under it.

(B) Establish requirements and procedures that are reasonably necessary for the implementation and administration of this chapter, including, without limitation, all of the following:

(1) Appropriate generic numerical clean-up standards for the treatment or removal of soils, sediments, and water media for hazardous substances

and petroleum. The rules shall establish separate generic numerical clean-up standards based upon the intended use of properties after the completion of voluntary actions, including industrial, commercial, and residential uses and such other categories of land use as the director considers to be appropriate. The generic numerical clean-up standards established for each category of land use shall be the concentration of each contaminant that may be present on a property that shall ensure protection of public health and safety and the environment for the reasonable exposure for that category of land use. When developing the standards, the director shall consider such factors as all of the following:

- (a) Scientific information, including, without limitation, toxicological information and realistic assumptions regarding human and environmental exposure to hazardous substances or petroleum;
- (b) Climatic factors;
- (c) Human activity patterns;
- (d) Current statistical techniques;
- (e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.

The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.

In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.

The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.

(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in protection of public health and safety and the

environment instead of complying with the generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section. The risk assessment procedures shall describe a methodology to establish, on a property-specific basis, allowable levels of contamination to remain at a property to ensure protection of public health and safety and the environment on the property and off the property when the contamination is emanating off the property, taking into account all of the following:

(i) The implementation of treatment, storage, or disposal, or a combination thereof, of hazardous substances or petroleum;

(ii) The existence of institutional controls or activity and use limitations that eliminate or mitigate exposure to hazardous substances or petroleum through the restriction of access to hazardous substances or petroleum;

(iii) The existence of engineering controls that eliminate or mitigate exposure to hazardous substances or petroleum through containment of, control of, or restrictions of access to hazardous substances or petroleum, including, without limitation, fences, cap systems, cover systems, and landscaping.

(b) The risk assessment procedures and levels of acceptable risk set forth in the rules adopted under division (B)(2) of this section shall be based upon all of the following:

(i) Scientific information, including, without limitation, toxicological information and actual or proposed human and environmental exposure;

(ii) Locational and climatic factors;

(iii) Surrounding land use and human activities;

(iv) Differing levels of remediation that may be required when an existing land use is continued compared to when a different land use follows the remediation.

(c) Any standards established pursuant to rules adopted under division (B)(2) of this section shall be no more stringent than standards established under the environmental statutes of this state and rules adopted under them for the same contaminant in the same environmental medium that are in effect at the time the risk assessment is conducted.

(3) Minimum standards for phase I property assessments. The standards shall specify the information needed to demonstrate that there is no reason to believe that contamination exists on a property. The rules adopted under division (B)(3) of this section, at a minimum, shall require that a phase I property assessment include all of the following:

(a) A review and analysis of deeds, mortgages, easements of record, and similar documents relating to the chain of title to the property that are publicly available or that are known to and reasonably available to the

owner or operator;

(b) A review and analysis of any previous environmental assessments, property assessments, environmental studies, or geologic studies of the property and any land within two thousand feet of the boundaries of the property that are publicly available or that are known to and reasonably available to the owner or operator;

(c) A review of current and past environmental compliance histories of persons who owned or operated the property;

(d) A review of aerial photographs of the property that indicate prior uses of the property;

(e) Interviews with managers of activities conducted at the property who have knowledge of environmental conditions at the property;

(f) Conducting an inspection of the property consisting of a walkover;

(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.

The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I property assessment wishes to obtain a covenant not to sue under section 3746.12 of the Revised Code.

(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include all of the following:

(a) A review and analysis of all documentation prepared in connection with a phase I property assessment conducted within the one hundred eighty days before the phase II property assessment begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the change in the environmental condition of the property during the intervening

period.

(b) Quality assurance objectives for measurements taken in connection with a phase II assessment;

(c) Sampling procedures to ensure the representative sampling of potentially contaminated environmental media;

(d) Quality assurance and quality control requirements for samples collected in connection with phase II assessments;

(e) Analytical and data assessment procedures;

(f) Data objectives to ensure that samples collected in connection with phase II assessments are biased toward areas where information indicates that contamination by hazardous substances or petroleum is likely to exist.

(5) Standards governing the conduct of certified professionals, criteria and procedures for the certification of professionals to issue no further action letters under section 3746.11 of the Revised Code, and criteria for the suspension and revocation of those certifications. The director shall take an action regarding a certification as a final action. The issuance, denial, renewal, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, except that, in lieu of publishing an action regarding a certification in a newspaper of general circulation as required in section 3745.07 of the Revised Code, such an action shall be published on the environmental protection agency's web site and in the agency's weekly review not later than fifteen days after the date of the issuance, denial, renewal, suspension, or revocation of the certification and not later than thirty days before a hearing or public meeting concerning the action.

The rules adopted under division (B)(5) of this section shall do all of the following:

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who

the director determines complies with those criteria;

(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment in order to determine if they comply with the criteria established in rules adopted under division (B)(5) of this section. The rules adopted under division (B)(5)(c) of this section shall do at least all of the following:

(i) Ensure that the review is conducted in a timely fashion;

(ii) Require the director to certify any such environmental professional who the director determines complies with those criteria;

(iii) Require any such environmental professional initially to pay the fee established in the rules adopted under division (B)(5)(b) of this section at the time that the environmental professional is so certified by the director;

(iv) Establish a time period within which any such environmental professional who does not comply with those criteria may obtain the credentials that are necessary for certification;

(v) Require the director to deny certification for any such environmental professional who does not comply with those criteria and who fails to obtain the necessary credentials within the established time period.

(d) Require that any information submitted to the director for the purposes of the rules adopted under division (B)(5)(a) or (c) of this section comply with division (A) of section 3746.20 of the Revised Code;

(e) Authorize the director to suspend or revoke the certification of an environmental professional if the director finds that the environmental professional's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards or finds that the certified environmental professional has not substantially complied with section 3746.31 of the Revised Code;

(f) Authorize the director to suspend for a period of not more than five years or to permanently revoke a certified environmental professional's

certification for any violation of or failure to comply with an ethical standard established in rules adopted under division (B)(5) of this section;

(g) Require the director to revoke the certification of an environmental professional if the director finds that the environmental professional falsified any information on the environmental professional's application for certification regarding the environmental professional's credentials or qualifications or any other information generated for the purposes of or use under this chapter or rules adopted under it;

(h) Require the director permanently to revoke the certification of an environmental professional who has violated or is violating division (A) of section 3746.18 of the Revised Code;

(i) Preclude the director from revoking the certification of an environmental professional who only conducts investigations and remedies at property contaminated solely with petroleum unless the director first consults with the director of commerce.

~~(6) Criteria and procedures for the certification of laboratories to perform analyses under this chapter and rules adopted under it. The issuance, denial, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, and the director of environmental protection shall take any such action regarding a certification as a final action.~~

~~The rules adopted under division (B)(6) of this section shall do all of the following:~~

~~(a) Provide for the certification to perform analyses of laboratories in accordance with the criteria and procedures established in the rules adopted under division (B)(6)(a) of this section and establish an annual fee to be paid by those laboratories. The fee shall be established at an amount calculated to defray the costs to the agency for the review of the qualifications of those laboratories for certification and for the issuance of the certifications. The rules adopted under division (B)(6)(a) of this section may provide for the certification of those laboratories to perform only particular types or categories of analyses, specific test parameters or group of test parameters, or a specific matrix or matrices under this chapter.~~

~~(b) Develop a schedule for and establish requirements governing the review by the director of the operations of laboratories that were deemed to be certified laboratories under division (E) of section 3746.07 of the Revised Code in order to determine if they comply with the criteria established in rules adopted under division (B)(6) of this section. The rules adopted under division (B)(6)(b) of this section shall do at least all of the following:~~

~~(i) Ensure that the review is conducted in a timely fashion;~~

~~(ii) Require the director to certify any such laboratory that the director determines complies with those criteria;~~

~~(iii) Require any such laboratory initially to pay the fee established in the rules adopted under division (B)(6)(a) of this section at the time that the laboratory is so certified by the director;~~

~~(iv) Establish a time period within which any such laboratory that does not comply with those criteria may make changes in its operations necessary for the performance of analyses under this chapter and rules adopted under it in order to be certified by the director;~~

~~(v) Require the director to deny certification for any such laboratory that does not comply with those criteria and that fails to make the necessary changes in its operations within the established time period.~~

~~(e) Require that any information submitted to the director for the purposes of the rules adopted under division (B)(6)(a) or (b) of this section comply with division (A) of section 3746.20 of the Revised Code;~~

~~(d) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory's performance has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards;~~

~~(e) Authorize the director to suspend or revoke the certification of a laboratory if the director finds that the laboratory falsified any information on its application for certification regarding its credentials or qualifications;~~

~~(f) Require the director permanently to revoke the certification of a laboratory that has violated or is violating division (A) of section 3746.18 of the Revised Code.~~

~~(7) Information to be included in a no further action letter prepared under section 3746.11 of the Revised Code, including, without limitation, all of the following:~~

~~(a) A summary of the information required to be submitted to the certified environmental professional preparing the no further action letter under division (C) of section 3746.10 of the Revised Code;~~

~~(b) Notification that a risk assessment was performed in accordance with rules adopted under division (B)(2) of this section if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of this section;~~

~~(c) The contaminants addressed at the property, if any, their source, if known, and their levels prior to remediation;~~

~~(d) The identity of any other person who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code and the nature and scope of the work~~

performed by that person;

(e) A list of the data, information, records, and documents relied upon by the certified environmental professional in preparing the no further action letter.

~~(8)~~(7) Methods for determining fees to be paid for the following services provided by the agency under this chapter and rules adopted under it:

(a) Site- or property-specific technical assistance in developing or implementing plans in connection with a voluntary action;

(b) Reviewing applications for and issuing consolidated standards permits under section 3746.15 of the Revised Code and monitoring compliance with those permits;

(c) Negotiating, preparing, and entering into agreements necessary for the implementation and administration of this chapter and rules adopted under it;

(d) Reviewing no further action letters, issuing covenants not to sue, and monitoring compliance with any terms and conditions of those covenants and with operation and maintenance agreements entered into pursuant to those covenants, including, without limitation, conducting audits of properties where voluntary actions are being or were conducted under this chapter and rules adopted under it.

The fees established pursuant to the rules adopted under division ~~(B)(8)~~(B)(7) of this section shall be at a level sufficient to defray the direct and indirect costs incurred by the agency for the administration and enforcement of this chapter and rules adopted under it other than the provisions regarding the certification of professionals and laboratories.

~~(9)~~(8) Criteria for selecting the no further action letters issued under section 3746.11 of the Revised Code that will be audited under section 3746.17 of the Revised Code, and the scope and procedures for conducting those audits. The rules adopted under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall require the director to establish priorities for auditing no further action letters to which any of the following applies:

(a) The letter was prepared by an environmental professional who was deemed to be a certified professional ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment, but who does not comply with the criteria established in rules adopted under division (B)(5) of this section as determined pursuant to rules adopted under division (B)(5)(d) of this section;

(b) The letter was submitted fraudulently;

(c) The letter was prepared by a certified environmental professional

whose certification subsequently was revoked in accordance with rules adopted under division (B)(5) of this section, or analyses were performed for the purposes of the no further action letter by a certified laboratory whose certification subsequently was revoked in accordance with rules adopted under division (B)(6) of this section before the effective date of this amendment or a laboratory that is not an accredited laboratory;

(d) A covenant not to sue that was issued pursuant to the letter was revoked under this chapter;

(e) The letter was for a voluntary action that was conducted pursuant to a risk assessment in accordance with rules adopted under division (B)(2) of this section;

(f) The letter was for a voluntary action that included as remedial activities engineering controls or institutional controls or activity and use limitations authorized under section 3746.05 of the Revised Code.

The rules adopted under division ~~(B)(9)~~(B)(8) of this section shall provide for random audits of no further action letters to which the rules adopted under divisions ~~(B)(9)(a)~~(B)(8)(a) to (f) of this section do not apply.

~~(10)~~(9) A classification system to characterize ground water according to its capability to be used for human use and its impact on the environment and a methodology that shall be used to determine when ground water that has become contaminated from sources on a property for which a covenant not to sue is requested under section 3746.11 of the Revised Code shall be remediated to the standards established in the rules adopted under division (B)(1) or (2) of this section.

(a) In adopting rules under division ~~(B)(10)~~(B)(9) of this section to characterize ground water according to its capability for human use, the director shall consider all of the following:

(i) The presence of legally enforceable, reliable restrictions on the use of ground water, including, without limitation, local rules or ordinances;

(ii) The presence of regional commingled contamination from multiple sources that diminishes the quality of ground water;

(iii) The natural quality of ground water;

(iv) Regional availability of ground water and reasonable alternative sources of drinking water;

(v) The productivity of the aquifer;

(vi) The presence of restrictions on the use of ground water implemented under this chapter and rules adopted under it;

(vii) The existing use of ground water.

(b) In adopting rules under division ~~(B)(10)~~(B)(9) of this section to characterize ground water according to its impacts on the environment, the

director shall consider both of the following:

(i) The risks posed to humans, fauna, surface water, sediments, soil, air, and other resources by the continuing presence of contaminated ground water;

(ii) The availability and feasibility of technology to remedy ground water contamination.

~~(11)~~(10) Governing the application for and issuance of variances under section 3746.09 of the Revised Code;

~~(12)(a)~~(11)(a) In the case of voluntary actions involving contaminated ground water, specifying the circumstances under which the generic numerical clean-up standards established in rules adopted under division (B)(1) of this section and standards established through a risk assessment conducted pursuant to rules adopted under division (B)(2) of this section shall be inapplicable to the remediation of contaminated ground water and under which the standards for remediating contaminated ground water shall be established on a case-by-case basis prior to the commencement of the voluntary action pursuant to rules adopted under division ~~(B)(12)(b)~~(B)(11)(b) of this section;

(b) Criteria and procedures for the case-by-case establishment of standards for the remediation of contaminated ground water under circumstances in which the use of the generic numerical clean-up standards and standards established through a risk assessment are precluded by the rules adopted under division ~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the procedures for the case-by-case development of standards for the remediation of contaminated ground water shall establish application, public participation, adjudication, and appeals requirements and procedures that are equivalent to the requirements and procedures established in section 3746.09 of the Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of this section, except that the procedural rules shall not require an applicant to make the demonstrations set forth in divisions (A)(1) to (3) of section 3746.09 of the Revised Code.

~~(13)~~(12) A definition of the evidence that constitutes sufficient evidence for the purpose of division (A)(5) of section 3746.02 of the Revised Code.

At least thirty days before filing the proposed rules required to be adopted under this section with the secretary of state, director of the legislative service commission, and joint committee on agency rule review in accordance with divisions (B) and (C) of section 119.03 of the Revised Code, the director of environmental protection shall hold at least one public meeting on the proposed rules in each of the five districts into which the agency has divided the state for administrative purposes.

Sec. ~~3746.071~~ 3746.07. (A) ~~As used in this section, "certified professional" means a certified professional deemed to be certified under division (D) of section 3746.07 of the Revised Code.~~

~~(B)~~ A certified professional shall do all of the following:

(1) Protect the safety, health, and welfare of the public in the performance of professional duties. If a circumstance arises where the certified professional faces a situation where the safety, health, or welfare of the public would not be protected, the certified professional shall do all of the following:

(a) Sever the relationship with the certified professional's employer or client;

(b) Refuse to accept responsibility for the design, report, or statement involved;

(c) Notify the director of environmental protection if, in the opinion of the certified professional, the situation is sufficiently important.

(2) Undertake to perform assignments only when the certified professional or the certified professional's consulting support is qualified by training and experience in the specific technical fields involved;

(3) Be completely objective in any professional report, statement, or testimony. The certified professional shall include all relevant and pertinent information in the report, statement, or testimony when the result of an omission would or reasonably could lead to a fallacious conclusion.

(4) Express an opinion as a technical or expert witness before any court, commission, or other tribunal only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.

~~(C)~~(B) A certified professional shall not issue statements, criticisms, or arguments on matters connected with public policy that are inspired or paid for by an interested party, unless the certified professional has prefaced the remarks by explicitly identifying the certified professional, by disclosing the identity of the parties on whose behalf the certified professional is speaking, and by revealing the existence of any pecuniary interest the certified professional may have in the instant matters.

~~(D)~~~~(1)~~(C)(1) A certified professional shall conscientiously avoid any conflict of interest with the certified professional's employer or client.

(2) A certified professional promptly shall inform the certified professional's employer or client of any business association, interests, or circumstances that could influence the certified professional's judgment or the quality of the certified professional's service to the employer or client.

(3) A certified professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties or their duly authorized agents.

(4) A certified professional shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(5) A certified professional shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing directly with the certified professional's employer or client in connection with the work for which the certified professional is responsible.

~~(E)(1)~~(D)(1) A certified professional shall not pay, solicit, or offer, directly or indirectly, any bribe or commission for professional employment with the exception of payment of the usual commission for securing salaried positions through licensed employment agencies.

(2) A certified professional shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. A certified professional may submit proposed fee information prior to selection to serve as a certified professional under this chapter and rules adopted under it.

(3) A certified professional shall not falsify or permit misrepresentation of the certified professional's or the certified professional's associates' academic or professional qualifications. The certified professional shall not misrepresent or exaggerate the certified professional's degree of responsibility in or for the subject matter of prior assignments.

(4) Brochures or other presentations incident to the solicitation of employment by a certified professional shall not misrepresent pertinent facts concerning the certified professional's employers, employees, associates, or joint ventures, or the past accomplishments of any of them, with the intent and purpose of enhancing the certified professional's qualifications for the certified professional's work.

~~(F)(1)~~(E)(1) A certified professional shall not sign or seal professional work for which the certified professional does not have personal professional knowledge and direct supervisory control and responsibility.

(2) A certified professional shall not knowingly associate with, or permit the use of the certified professional's own name or the name of the certified professional's firm in, a business venture by any person or firm that the certified professional knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.

(3) If a certified professional has knowledge or reason to believe that

another person or firm has violated any of the provisions of this chapter or any requirement of this section, the certified professional shall present the information to the director in writing.

~~(G)~~(F) The director, in accordance with rules adopted under section 3746.04 of the Revised Code, may suspend for a period of not more than five years or permanently revoke a certified professional's certification for a violation of or failure to comply with any requirement or obligation set forth in this section.

(G) Notwithstanding any other provision of this chapter to the contrary, a certified professional may use data analyzed by a certified laboratory prior to the effective date of this amendment in completion of a no further action letter.

Sec. 3746.09. (A) A person who proposes to enter into or who is participating in the voluntary action program under this chapter and rules adopted under it, in accordance with this section and rules adopted under division ~~(B)(11)~~(B)(10) of section 3746.04 of the Revised Code, may apply to the director of environmental protection for a variance from applicable standards otherwise established in this chapter and rules adopted under it. The application for a variance shall be prepared by a certified professional. The director shall issue a variance from those applicable standards only if the application makes all of the following demonstrations to the director's satisfaction:

(1) Either or both of the following:

(a) It is technically infeasible to comply with the applicable standards otherwise established at the property named in the application;

(b) The costs of complying with the applicable standards otherwise established at the property substantially exceed the economic benefits.

(2) The proposed alternative standard or set of standards and terms and conditions set forth in the application will result in an improvement of environmental conditions at the property and ensure that public health and safety will be protected.

(3) The establishment of and compliance with the alternative standard or set of standards and terms and conditions are necessary to promote, protect, preserve, or enhance employment opportunities or the reuse of the property named in the application.

A variance issued under this section shall state the specific standard or standards whose terms are being varied and shall set forth the specific alternative standard or set of standards and the terms and conditions imposed on the applicant in their place. A variance issued under this section shall include only standards and terms and conditions proposed by the

applicant in the application, except that the director may impose any additional or alternative terms and conditions that the director determines to be necessary to ensure that public health and safety will be protected. If the director finds that compliance with any standard or term or condition proposed by the applicant will not protect public health and safety and that the imposition of additional or alternative terms and conditions will not ensure that public health or safety will be protected, the director shall disapprove the application and shall include in the order of denial the specific findings on which the denial was based.

(B) Variances shall be issued or denied in accordance with this section, rules adopted under division ~~(B)(11)~~(B)(10) of section 3746.04 of the Revised Code, and Chapter 3745. of the Revised Code. Upon determining that an application for a variance is complete, the director shall schedule a public meeting on the application to be held within ninety days after the director determines that the application is complete in the county in which is located the property to which the application pertains.

(C) Not less than thirty days before the date scheduled for the public meeting on an application for a variance, the director shall publish notice of the public meeting and that the director will receive written comments on the application for a period of forty-five days commencing on the date of the publication of the notice. The notice shall contain all of the following information, at a minimum:

- (1) The address of the property to which the application pertains;
- (2) A brief summary of the alternative standards and terms and conditions proposed by the applicant;
- (3) The date, time, and location of the public meeting.

The notice shall be published in a newspaper of general circulation in the county in which the property is located and, if the property is located in close proximity to the boundary of the county with an adjacent county, as determined by the director, shall be published in a newspaper of general circulation in the adjacent county. Concurrently with the publication of the notice of the public meeting, the director shall mail notice of the application, comment period, and public meeting to the owner of each parcel of land that is adjacent to the affected property and to the legislative authority of the municipal corporation or township, and county, in which the affected property is located. The notices mailed to the adjacent land owners and legislative authorities shall contain the same information as the published notice.

(D) At the public meeting on an application for a variance, the applicant, or a representative of the applicant who is knowledgeable about

the affected property and the application, shall present information regarding the application and the basis of the request for the variance and shall respond to questions from the public regarding the affected property and the application. A representative of the environmental protection agency who is familiar with the affected property and the application shall attend the public meeting to hear the public's comments and to respond to questions from the public regarding the affected property and the application. A stenographic record of the proceedings at the public meeting shall be kept and shall be made a part of the administrative record regarding the application.

(E) Within ninety days after conducting the public meeting on an application for a variance under division (D) of this section, the director shall issue a proposed action to the applicant in accordance with section 3745.07 of the Revised Code that indicates the director's intent with regard to the issuance or denial of the application. When considering whether to issue or deny the application or whether to impose terms and conditions of the variance that are in addition or alternative to those proposed by the applicant, the director shall consider comments on the application made by the public at the public meeting and written comments on the application received from the public.

Sec. 3746.10. (A) Except as otherwise provided in section 3746.02 of the Revised Code, any person may undertake a voluntary action under this chapter and rules adopted under it to identify and address potential sources of contamination by hazardous substances or petroleum of soil, sediments, surface water, or ground water on or underlying property and to establish that the property meets applicable standards. The voluntary action may include any one or more of the following elements:

(1) A phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code ~~or division (B) of section 3746.07 of the Revised Code, as appropriate;~~

(2) A phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code ~~or division (C) of section 3746.07 of the Revised Code, as appropriate;~~

(3) A sampling plan;

(4) A remediation plan;

(5) Remedial activities;

(6) Such other activities as the person undertaking the voluntary action considers to be necessary or appropriate to address the contamination.

When the person undertaking a voluntary action determines that the property meets applicable standards, the person may seek a no further action

letter from a certified professional. A no further action letter may be issued for the property at any stage of the identification of potential hazardous substance or petroleum contamination or remedial activities after a phase I or II property assessment has demonstrated that there is no reason to believe that there has been a release of hazardous substances or petroleum at or upon the property, that information indicates that there has been a release of hazardous substances or petroleum at or upon the property, but that the release is not in excess of applicable standards, or that if there has been such a release in excess of applicable standards, those standards have been achieved through remedial activities or will be achieved in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of section 3746.12 of the Revised Code or in such an agreement and a consolidated standards permit issued under section 3746.15 of the Revised Code.

(B)(1) A person who is participating in the voluntary action program under this chapter and rules adopted under it shall do both of the following:

(a) Utilize the services of ~~a certified~~ an accredited laboratory to perform any analyses that form the basis for the issuance of a no further action letter for a property and ensure that a laboratory performs in connection with a voluntary action only those analyses for which it is ~~certified under rules adopted under division (B)(6) of section 3746.04 of the Revised Code or for which it is qualified prior to the adoption of those rules~~ accredited;

(b) Utilize the services of a certified professional to verify that the property and any remedial activities undertaken at the property in connection with a voluntary action comply with applicable standards and, if those standards are met, to issue to the person a no further action letter for the property. For the purposes of such a verification, the certified professional shall perform and review all work that was conducted to support the request for the no further action letter or shall ensure that the work has been performed and reviewed by other persons with expertise and competence in areas other than those of the certified professional's expertise and competence as necessary for the issuance of the no further action letter.

(2) No person who is participating in the voluntary action program shall do any of the following:

(a) If the person also is a certified professional, prepare a no further action letter in connection with a voluntary action conducted at a property that the certified professional owns or operates;

(b) Utilize the services of a certified professional who is employed by, affiliated with, or related to the participant or who was employed by or affiliated with the participant during the year preceding the date that the

participant entered into the contract to utilize the services of the certified professional in connection with the voluntary action;

(c) Utilize the services of ~~a certified~~ an accredited laboratory that is owned by or affiliated with the participant, that is owned by a person related to the participant, or that was owned by or affiliated with the participant during the year preceding the date that the participant entered into the contract to utilize the services of the ~~certified~~ accredited laboratory in connection with the voluntary action, to perform any analyses that form the basis for the issuance of a no further action letter in connection with a voluntary action.

A covenant not to sue issued under section 3746.12 of the Revised Code to a person who violated division (B)(2)(a), (b), or (c) of this section with respect to the no further action letter upon which issuance of the covenant was based is void.

Except as otherwise provided in division (B)(2) of this section, a person who is participating in the voluntary action program may utilize an independent contractor to serve as a certified professional or ~~certified~~ accredited laboratory.

(C) In order to obtain a no further action letter, a person undertaking a voluntary action shall submit to a certified professional all of the following, as applicable:

(1) Information demonstrating that there is no contamination by hazardous substances or petroleum of soil, sediments, surface water, or ground water on or underlying the property in concentrations exceeding applicable standards. The demonstrations shall be based upon the findings of a phase I or phase II property assessment.

(2) If remedial activities were conducted in connection with the voluntary action, data demonstrating that the remedy meets applicable standards or will achieve applicable standards in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of section 3746.12 of the Revised Code or in such an agreement and a consolidated standards permit issued under section 3746.15 of the Revised Code;

(3)(a) If the remedy relies on institutional controls or restrictions on the use of the property to achieve applicable standards, a demonstration that the institutional controls or the use restrictions have been recorded in the office of the county recorder of the county in which the property is located, or have been entered in the appropriate register for registered land as defined in section 5309.01 of the Revised Code, in compliance with section 3746.14 of the Revised Code;

(b) If the person undertaking a voluntary action seeks to obtain a covenant not to sue and if the remedy relies on activity and use limitations to achieve applicable standards, a demonstration that the activity and use limitations have been developed in accordance with this chapter and rules adopted under it and are contained in a proposed environmental covenant that meets the requirements established in section 5301.82 of the Revised Code.

(4) If the remedy relies on engineering controls that contain or control the release of hazardous substances or petroleum at or from the property, a plan for the proper operation and maintenance of the engineering controls.

(D) Except as otherwise specifically provided in this chapter and rules adopted under it, voluntary actions under this chapter and rules adopted under it shall be undertaken in compliance with all applicable laws of this state and rules adopted under them and with applicable ordinances, resolutions, and rules of political subdivisions of this state.

Sec. 3746.11. (A) After receiving the demonstrations and operation and maintenance plan, if any, required to be submitted to a certified professional under division (C) of section 3746.10 of the Revised Code, the certified professional shall review them to verify whether the property where the voluntary action was undertaken complies with applicable standards or shall ensure that they have been reviewed by another person or persons who performed work to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code. If, on the basis of the best knowledge, information, and belief of the certified professional, the certified professional concludes that the property meets applicable standards, the certified professional shall prepare a no further action letter for the property. The no further action letter shall contain all the information specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 3746.04 of the Revised Code ~~or in division (E) of section 3746.07 of the Revised Code, as applicable.~~

Upon completion of a no further action letter, the certified professional shall send a copy of the letter to the person who undertook the voluntary action. The letter shall be accompanied by a written request that the person notify the certified professional as to whether the person wishes to submit the no further action letter to the director of environmental protection and by a written notice informing the person that the original letter may be submitted to the director only by a certified professional and that the person may receive a covenant not to sue from the director in connection with the voluntary action only if the no further action letter for the voluntary action is submitted to the director on the person's behalf by the certified professional.

Promptly after receipt of the letter and request, the person who undertook the voluntary action shall send written notice to the certified professional informing the certified professional as to whether the person wishes to submit the letter to the director and shall send a copy of the notice to the director. If the person's notice indicates that the person wishes to have the no further action letter submitted to the director, promptly after receipt of the notice, the certified professional shall submit the original no further action letter, together with a proposed environmental covenant, if applicable, and a proposed operation and maintenance agreement, if applicable, to the director by certified mail on behalf of the person who undertook the voluntary action. If the person who undertook the voluntary action notifies the certified professional that the person does not wish to submit the no further action letter to the director, the certified professional shall send the original letter to the person promptly after receiving the notice.

(B) If after reviewing the demonstrations required to be submitted to the certified professional under division (C) of section 3746.10 of the Revised Code, the certified professional finds that the property where the voluntary action was undertaken does not comply with applicable standards, the certified professional shall send to the person who undertook the voluntary action written notice of that fact and of the certified professional's inability to issue a no further action letter for the property.

(C) A certified professional shall prepare a summary report detailing the certified professional's findings and conclusions about the environmental conditions at the property concerning which the professional was requested to prepare a no further action letter and the remedial activities undertaken to mitigate or abate any threat to public health and safety and the environment, including, without limitation, all of the following:

(1) A description of the nature and extent of contamination emanating from sources on the property;

(2) A risk assessment performed in accordance with rules adopted under division (B)(2) of section 3746.04 of the Revised Code if such an assessment was used in lieu of generic numerical clean-up standards established in rules adopted under division (B)(1) of that section;

(3) A description of any remedy conducted at the property and how the remedy complies with applicable standards;

(4) A description of any plan for the proper operation and maintenance of engineering controls identified under division (C)(4) of section 3746.10 of the Revised Code;

(5) Any documents prepared by any other person who performed work

to support the request for the no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code.

(D) A certified professional shall maintain all documents and data prepared or acquired by the certified professional in connection with a no further action letter for not less than ten years after the date of issuance of the letter or after the notice required under division (B) of this section has been sent, as applicable, or for a longer period as determined in rules adopted under section 3746.04 of the Revised Code. The director shall have access to those documents and data in accordance with section 3746.18 or 3746.31 of the Revised Code.

Sec. 3746.12. (A) Except as provided in division (C) of this section, the director of environmental protection shall issue to a person on behalf of whom a certified professional has submitted to the director an original no further action letter and accompanying verification under division (A) of section 3746.11 of the Revised Code a covenant not to sue for the property that is named in the letter. The director shall not issue a covenant not to sue if an original no further action letter is submitted to ~~him~~ the director by any person other than the certified professional who prepared the letter or if a copy of the letter is submitted to ~~him~~ the director.

A covenant not to sue shall contain both of the following, as applicable:

(1) A provision releasing the person who undertook the voluntary action from all civil liability to this state to perform additional investigational and remedial activities to address a release of hazardous substances or petroleum when the property has undergone a phase I or a phase II property assessment in compliance with this chapter and rules adopted under it or has been the subject of remedial activities conducted under this chapter and rules adopted under it to address a release of hazardous substances or petroleum and such an assessment or those activities demonstrate or result in compliance with applicable standards, except:

(a) As otherwise specifically provided in this chapter or as may be conditioned by the director under this chapter;

(b) For claims for natural resource damages the state may have pursuant to section 107 or 113 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended;

(c) For claims the state may have pursuant to section 107 of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as amended, for costs other than those for damages to natural resources, provided that the state incurs those other costs as a result of an action by the president of the United States

under section 104, 106, 107, or 122 of that act or pursuant to section 3746.29 of the Revised Code.

(2) If the voluntary action involves the use of engineering controls that contain and control the release of hazardous substances or petroleum at or from the property in order to comply with applicable standards, all of the following:

(a) A provision requiring that the person enter into an operation and maintenance agreement with the director that ensures that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B)(1) The release provided under division (A)(1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B)(3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B)(2) of this section, within thirty days after the mailing of the notice, notifies the director of ~~his~~ the recipient's intention to return the property or portion thereof to compliance with the applicable standards upon which issuance of the covenant was based and enters into a compliance schedule agreement with the director, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant. The

compliance schedule agreement shall establish a reasonable period of time for returning to compliance with those applicable standards.

(4) Upon finding that a person with whom ~~he~~ the director has entered into a compliance schedule agreement under division (B)(3) of this section has failed to return the property or portion thereof to which the agreement pertains to compliance with the applicable standards within the time established in the agreement, the director, by issuance of an order as a final action under Chapter 3745. of the Revised Code, shall revoke the covenant applicable to the property or portion thereof.

(C) The director shall deny a covenant not to sue as a final action for any of the following reasons:

(1) The no further action letter submitted on behalf of the person seeking the covenant not to sue does not comply with section 3746.11 of the Revised Code and any rules adopted under this chapter regarding no further action letters;

(2) The director determines from information available to ~~him~~ to the director that a remedy identified in the no further action letter does not protect public health and safety and the environment;

(3) The no further action letter was submitted fraudulently.

(D) The director shall not revoke a covenant not to sue issued for property for which a voluntary action was conducted in accordance with standards and procedures ~~established in section 3746.07~~ that applied prior to the adoption of rules under section 3746.04 of the Revised Code solely on the basis that the voluntary action was conducted in accordance with those standards and procedures.

(E) Unless a covenant not to sue issued under this section is revoked through the operation of a provision of the covenant described in division (A)(2)(c) of this section, or under division (B) of this section, division (B)(2) of section 3746.18 of the Revised Code, or division (B) of section 3746.19 of the Revised Code, the covenant shall remain effective as long as the property complies with the applicable standards that were in effect when the person who undertook the voluntary action submitted the information and demonstrations required under division (C) of section 3746.10 of the Revised Code to the certified professional who prepared the no further action letter regardless of whether amendments to the rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code that became effective after that time altered the generic numerical clean-up standards for a contaminant addressed by the voluntary action or the procedures or levels of acceptable risk that govern the property-specific risk assessments conducted in lieu of compliance with generic numerical standards.

Sec. 3746.13. (A) For property that does not involve the issuance of a consolidated standards permit under section 3746.15 of the Revised Code and where no remedial activities for which there is a required operation and maintenance agreement or an environmental covenant under this chapter or sections 5301.80 to 5301.92 of the Revised Code, as applicable, are used to comply with applicable standards, the director of environmental protection shall issue a covenant not to sue pursuant to section 3746.12 of the Revised Code by issuance of an order and as a final action under Chapter 3745. of the Revised Code within thirty days after the director receives the no further action letter for the property from the certified professional who prepared the letter under section 3746.11 of the Revised Code.

(B) For property that involves the issuance of a consolidated standards permit under section 3746.15 of the Revised Code or where remedial activities for which there is a required operation and maintenance agreement or an environmental covenant under this chapter or sections 5301.80 to 5301.92 of the Revised Code, as applicable, are used to comply with applicable standards, the director shall issue a covenant not to sue pursuant to section 3746.12 of the Revised Code by issuance of an order and as a final action under Chapter 3745. of the Revised Code within ninety days after the director receives the no further action letter for the property from the certified professional who prepared the letter and enters into an environmental covenant regarding the property, if applicable.

(C) Except as provided in division (D) of this section, each person who is issued a covenant not to sue under this section shall pay the fee established pursuant to rules adopted under division ~~(B)(8)(B)(7)~~ of section 3746.04 of the Revised Code. Until those rules become effective, each person who is issued a covenant not to sue shall pay a fee of two thousand dollars. The fee shall be paid to the director at the time that the no further action letter and accompanying verification are submitted to the director.

(D) An applicant, as defined in section 122.65 of the Revised Code, who has entered into an agreement under section 122.653 of the Revised Code and who is issued a covenant not to sue under this section shall not be required to pay the fee for the issuance of a covenant not to sue established in rules adopted under division ~~(B)(8)(B)(7)~~ of section 3746.04 of the Revised Code.

Sec. 3746.17. (A) The director of environmental protection shall conduct audits in connection with no further action letters issued under section 3746.11 of the Revised Code for all of the following purposes:

(1) Determining whether after completion of the voluntary actions under this chapter and rules adopted under it, the properties where the voluntary

actions were conducted meet applicable standards;

(2) Reviewing the qualifications of and work performed by certified professionals under the voluntary action program to ascertain whether they possess the qualifications for certification pursuant to rules adopted under division (B)(5) of section 3746.04 of the Revised Code and whether their performance under the program has resulted in the issuance of no further action letters that are not consistent with applicable standards;

(3) Reviewing ~~the qualifications of and~~ work performed by certified laboratories or accredited laboratories in connection with the voluntary action program, and inspecting the facilities of ~~certified~~ those laboratories to ascertain whether ~~they possess the qualifications for certification pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code and whether~~ their performance in connection with the program has resulted in the issuance of no further action letters that are not consistent with applicable standards.

An audit may be conducted for any of the purposes identified in divisions (A)(1) to (3) of this section or for any combination of those purposes.

~~(B) Commencing one year after the effective date of this section, the~~ The director annually shall conduct in connection with the no further action letters submitted to ~~him~~ the director during the preceding calendar year under section 3746.11 of the Revised Code audits of not less than twenty-five per cent of the letters pertaining ~~the~~ to voluntary actions that involved remedial activities and not less than twenty-five per cent of the letters pertaining to voluntary actions that did not involve remedial activities. Audits conducted pursuant to contracts entered into under division ~~(E)(D)~~ of this section or division (B) of section 3745.01 of the Revised Code shall be included in determining the number of audits conducted by the director during the year in which the audits were conducted.

~~(C) Except as provided in division (D) of this section, the~~ The director shall select the no further action letters to be audited under this section in accordance with the selection criteria established in rules adopted under division ~~(B)(9)(B)(8)~~ of section 3746.04 of the Revised Code. Any such audit shall be conducted in accordance with the rules adopted under that division.

~~(D) Prior to the adoption of rules under section 3746.04 of the Revised Code, the director may conduct audits in connection with no further action letters issued under section 3746.11 of the Revised Code in order to determine if the relevant properties, certified professionals, certified laboratories, or any combination of them comply with the standards~~

~~established in section 3746.07 of the Revised Code.~~

~~(E)~~ The director may enter into contracts to have audits conducted under this section in accordance with rules adopted under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code. The director shall not select as a contractor to conduct audits under this section a person who meets any of the following:

~~(a)~~(1) Undertook the voluntary action in connection with which the audit is to be performed;

~~(b)~~(2) Is employed by, affiliated with, or related to the person who undertook the voluntary action in connection with which the audit is to be performed or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;

~~(c)~~(3) Served as the certified professional who issued the no further action letter for the voluntary action in connection with which the audit is to be performed or is employed by, affiliated with, or related to the person who served as the certified professional or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted;

~~(d)~~(4) Performed or reviewed, or ~~his~~ the person's employer performed or reviewed, any work that was conducted to support the request for the no further action letter in connection with which the audit is to be performed;

~~(e)~~(5) Served as a certified laboratory or accredited laboratory that performed any analyses that formed the basis for the issuance of the no further action letter in connection with which the audit is to be performed, is employed by, affiliated with, or related to the person who served as such a certified laboratory or accredited laboratory, or was employed by or affiliated with that person during the year preceding the date that the audit is to be conducted.

Sec. 3746.18. (A) The director of environmental protection may request a certified professional or certified laboratory or accredited laboratory to provide ~~to him~~ the director documents and data for the purposes of verifying the qualifications of the professional or laboratory or auditing the performance of the professional or laboratory in connection with voluntary actions conducted under this chapter and rules adopted under it or may request any other person who performed work that was conducted to support a request for a no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code to submit documents and data relating to the no further action letter.

No person shall fail to comply with a request made under this division.

(B) In addition to any other remedy provided by law, the director may

do either or both of the following in connection with a violation of division (A) of this section:

(1) Permanently revoke the certification of the certified professional ~~or certified laboratory~~ in accordance with rules adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 of the Revised Code, as applicable;

(2) Revoke any covenant not to sue issued under section 3746.12 of the Revised Code pertaining to the director's request for information under division (A) of this section.

Nothing in division (B)(2) of this section precludes a person whose covenant not to sue was revoked under that division from having a new no further action letter prepared regarding the relevant property and issued under section 3746.11 of the Revised Code by another certified professional, or using another ~~certified~~ accredited laboratory, for the purpose of obtaining a new covenant not to sue for the property.

Sec. 3746.19. (A) If the director of environmental protection finds that the performance of a certified professional or certified laboratory has resulted in the issuance of no further action letters under section 3746.11 of the Revised Code that are not consistent with applicable standards, ~~he~~ the director shall notify persons for whom the certified professional or certified laboratory has performed work in connection with a voluntary action of ~~his~~ those findings.

(B) The director, in accordance with the criteria and procedures established in rules adopted under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code, may conduct an audit of any property for which a covenant not to sue was issued under section 3746.12 of the Revised Code based upon a no further action letter issued under section 3746.11 of the Revised Code that was prepared by a certified professional whose certification was subsequently suspended or revoked under this chapter and rules adopted under it or based upon a no further action letter for a voluntary action for which analyses were performed by a certified laboratory for which the certification was ~~subsequently~~ subsequently suspended or revoked ~~under this chapter and rules adopted under it~~ before the effective date of this amendment.

If, after such an audit, the director finds that the property does not comply with applicable standards, ~~he~~ the director shall proceed in accordance with divisions (B)(2) through (4) of section 3746.12 of the Revised Code.

Sec. 3746.20. (A) All of the following shall be submitted by affidavit:

(1) Any information, data, documents, or reports submitted by any of the following to another person for the purposes of a voluntary action

conducted under this chapter and rules adopted under it:

(a) The person undertaking the voluntary action;

(b) A certified professional;

(c) Any other person who performed work that was conducted to support a request for a no further action letter as provided in division (B)(2) of section 3746.10 of the Revised Code;

(d) A certified laboratory;

(e) An accredited laboratory.

(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B)(5)(a) or (c) of section 3746.04 of the Revised Code ~~or with division (D) of section 3746.07 of the Revised Code;~~

~~(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B)(6)(a) or (b) of section 3746.04 of the Revised Code;~~

~~(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.~~

(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted under it or verification of eligible costs under section 3746.121 of the Revised Code.

Violation of this division is not falsification under section 2921.13 of the Revised Code.

(C) In accordance with rules adopted under division (B)(5)(f) of section 3746.04 of the Revised Code, the director permanently shall revoke the certification of a certified professional who violates division (B) of this section.

(D) No person, with purpose to deceive a certified professional, ~~certified~~ accredited laboratory, or a contractor thereof, or the environmental protection agency or a contractor thereof, shall withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.

Sec. 3746.21. (A) In addition to the authority established in sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the director of environmental protection or ~~his~~ the director's authorized representative, upon proper identification and upon stating the necessity and purpose of an inspection, may enter at reasonable times upon any of the following:

(1) Any public or private property at which a voluntary action has been or is being conducted under this chapter and rules adopted under it; ~~upon~~

~~any~~

(2) Any public or private property, real or personal, that is owned or operated by a person who is participating or has participated in the voluntary action program under this chapter and rules adopted under it where data, information, records, or documents relating to the person's participation in the voluntary action program are kept; ~~or upon any~~

(3) Any public or private property, real or personal, upon which is located a certified laboratory, accredited laboratory, or the offices of a certified professional, ~~to inspect.~~

(B) The director or the director's authorized representative may enter upon any property described in division (A) of this section to do any of the following:

(1) Inspect the credentials of the certified professional or the credentials and facilities of the certified laboratory or accredited laboratory; ~~to examine~~

To examine or copy data, information, records, or documents relating to the evaluation, investigation, or remediation of properties under this chapter and rules adopted under it or to compliance with a consolidated standards permit issued under section 3746.15 of the Revised Code; ~~or to obtain~~

(3) Obtain samples of soil, water, or other environmental media at properties where voluntary actions have been or are being conducted under this chapter and rules adopted under it.

(C) The director or his the director's authorized representative may apply for and any judge of a court of record may issue an administrative inspection warrant under division (F) of section 2933.21 of the Revised Code, or other appropriate search warrant, necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

Sec. 3746.31. Upon the written request of any person for information, documents, reports, or data described on a list submitted to the director of environmental protection pursuant to ~~division (F) of section 3746.07 of the Revised Code~~ or rules adopted under division ~~(B)(7)(e)~~(B)(6)(e) of section 3746.04 of the Revised Code, as applicable, the director, within a reasonable period of time after receipt of the request, shall provide copies of the requested materials to the person. If the requested materials are not on file in the offices of the environmental protection agency, the director, promptly after receipt of the request, shall send a written request to the certified professional who submitted the list pursuant to that division or those rules to submit the requested materials to the director within a specified reasonable period of time. The certified professional shall submit the requested materials to the director within the time specified in the director's request. Within a reasonable period of time after the director receives the requested

materials from the certified professional, the director shall provide copies of them, at cost, to the person who requested them and shall retain the originals in the agency's files.

Sec. 3746.35. (A) Not later than ~~September 1, 1996, and not later than~~ the first day of September of each ~~subsequent~~ year, the director of environmental protection shall prepare and submit to the chairpersons of the respective standing committees of the senate and house of representatives primarily responsible for considering environmental and taxation matters a report regarding the voluntary action program established under this chapter and rules adopted under it and the tax abatements granted pursuant to sections 5709.87 and 5709.88 of the Revised Code for properties where voluntary actions were conducted. Each annual report shall include, without limitation, all of the following:

(1) Both of the following for each property for which a covenant not to sue was issued under section 3746.12 of the Revised Code during the preceding calendar year:

(a) The address of the property and name of the person who undertook the voluntary action at the property;

(b) Whether the applicable standards governing the voluntary action were the ~~interim standards established in section 3746.07 of the Revised Code or the~~ generic numerical clean-up standards established in rules adopted under division (B)(1) of section 3746.04 of the Revised Code or the interim standards that applied prior to the adoption of rules under that section, were established through the performance of a risk assessment pursuant to rules adopted under division (B)(2) of section 3746.04 of the Revised Code, or were set forth in a variance issued under section 3746.09 of the Revised Code.

(2) All of the following for each property for which a variance was issued under section 3746.09 of the Revised Code during the preceding calendar year:

(a) The address of the property and the name of the person to whom the variance was issued;

(b) A summary of the alternative standards and terms and conditions of the variance and brief description of the improvement in environmental conditions at the property that is anticipated to result from compliance with the alternative standards and terms and conditions set forth in the variance;

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth

in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least both of the following:

(a) The address of the property affected by the revocation and name of the person who undertook the voluntary action at the property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action administration fund created in section 3746.16 of the Revised Code during the preceding fiscal year from the fees established in ~~divisions (D) and (H) of section 3746.07~~ and division (C) of section 3746.13 of the Revised Code and from civil penalties imposed under section 3746.22 of the Revised Code. The report shall indicate the amount of money that arose from each of the fees and from the civil penalties. The report also shall include the amount of money expended from the fund during the preceding fiscal year by program category, including, without limitation, the amount expended for conducting audits under section 3746.17 of the Revised Code during the preceding fiscal year.

(6) For each property that is receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year, the amount of the valuation exempted from real property taxation for that tax year under that section. In order to comply with division (A)(6) of this section, the director shall include in the annual report the report required under division (B)(2) of this section.

(7) For each property that is receiving a tax abatement pursuant to an agreement with a municipal corporation or county entered into under section 5709.88 of the Revised Code, the amount of the valuation exempted from real or personal property taxation. In order to comply with division (A)(7) of this section, the director shall include in the annual report the report required under division (C) of this section.

(B)(1) Not later than the thirty-first day of March 31, 1996 of each year, the county auditor of each county in which is located any property that is ~~receiving~~ received a tax abatement under section 5709.87 of the Revised Code for the preceding tax year shall report to the director of environmental protection for each such property both of the following as applicable ~~to tax year 1995~~:

(a) The address of the property and the name of the owner as stated in the records of the county auditor of the county in which the property is located;

(b) The amount of the valuation of the property that was exempted from real property taxation under that section.

~~Not later than the thirty-first day of March of each subsequent year, each such county auditor shall report the information described in those divisions to the director of environmental protection for each property within the county that is receiving a tax abatement under that section for the preceding tax year.~~

(2) Not later than ~~July 1, 1996, and not later than~~ the first day of July of each ~~subsequent~~ year, the director of environmental protection shall compile the information provided to the director under division (B)(1) of this section applicable to the preceding tax year into a report covering all of the counties in the state in which are located properties receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year.

(C) Not later than ~~July 1, 1996, and not later than~~ the first day of July of each ~~subsequent~~ year, the director of environmental protection shall compile the information provided to the director by municipal corporations and counties under division (A) of section 5709.882 of the Revised Code applicable to the preceding calendar year into a report covering, by county, all of the municipal corporations and counties in this state in which are located properties receiving a tax abatement pursuant to an agreement entered into under section 5709.88 of the Revised Code.

Sec. 3770.06. (A) There is hereby created the state lottery gross revenue fund, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All gross revenues received from sales of lottery tickets, fines, fees, and related proceeds in connection with the statewide

lottery and all gross proceeds from statewide joint lottery games shall be deposited into the fund. The treasurer of state shall invest any portion of the fund not needed for immediate use in the same manner as, and subject to all provisions of law with respect to the investment of, state funds. The treasurer of state shall disburse money from the fund on order of the director of the state lottery commission or the director's designee.

Except for gross proceeds from statewide joint lottery games, all revenues of the state lottery gross revenue fund that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, that are not paid to financial institutions to reimburse those institutions for sales agent nonsufficient funds, and that are collected from sales agents for remittance to insurers under contract to provide sales agent bonding services shall be transferred to the state lottery fund, which is hereby created in the state treasury. In addition, all revenues of the state lottery gross revenue fund that represent the gross proceeds from the statewide joint lottery games and that are not paid to holders of winning lottery tickets, that are not required to meet short-term prize liabilities, that are not credited to lottery sales agents in the form of bonuses, commissions, or reimbursements, and that are not necessary to cover operating expenses associated with those games or to otherwise comply with the agreements signed by the governor that the director enters into under division (J) of section 3770.02 of the Revised Code or the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code shall be transferred to the state lottery fund. All investment earnings of the fund shall be credited to the fund. Moneys shall be disbursed from the fund pursuant to vouchers approved by the director. Total disbursements for monetary prize awards to holders of winning lottery tickets in connection with the statewide lottery and purchases of goods and services awarded as prizes to holders of winning lottery tickets shall be of an amount equal to at least fifty per cent of the total revenue accruing from the sale of lottery tickets.

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, there is hereby established in the state treasury the lottery profits education fund. Whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that does not represent proceeds from statewide joint lottery games is in excess of that needed to meet the maturing obligations of the commission and as working capital for its further operations, the director of the state lottery commission shall recommend the amount of the excess to be transferred to the lottery profits education fund, and the director of budget and management may transfer the

excess to the lottery profits education fund in connection with the statewide lottery. In addition, whenever, in the judgment of the director of the state lottery commission, the amount to the credit of the state lottery fund that represents proceeds from statewide joint lottery games equals the entire net proceeds of those games as described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director of the state lottery commission shall recommend the amount of the proceeds to be transferred to the lottery profits education fund, and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment earnings necessary to have been credited to the trust fund during the fiscal year just ending to provide for such continued funding of deferred prizes. Any earnings credited in excess of the latter certified amount shall be transferred to the lottery profits education fund.

To provide all or a part of the amounts necessary to fund deferred prizes awarded by the commission in connection with the statewide lottery, the treasurer of state, in consultation with the commission, may invest moneys contained in the deferred prizes trust fund which represents proceeds from the statewide lottery in obligations of the type permitted for the investment

of state funds but whose maturities are thirty years or less. Notwithstanding the requirements of any other section of the Revised Code, to provide all or part of the amounts necessary to fund deferred prizes awarded by the commission in connection with statewide joint lottery games, the treasurer of state, in consultation with the commission, may invest moneys in the trust fund which represent proceeds derived from the statewide joint lottery games in accordance with the rules the commission adopts under division (B)(5) of section 3770.03 of the Revised Code. Investments of the trust fund are not subject to the provisions of division (A)~~(10)~~(11) of section 135.143 of the Revised Code limiting to twenty-five per cent the amount of the state's total average portfolio that may be invested in debt interests other than commercial paper and limiting to five per cent the amount that may be invested in debt interests, including commercial paper, of a single issuer.

All purchases made under this division shall be effected on a delivery versus payment method and shall be in the custody of the treasurer of state.

The treasurer of state may retain an investment advisor, if necessary. The commission shall pay any costs incurred by the treasurer of state in retaining an investment advisor.

(D) The auditor of state shall conduct annual audits of all funds and any other audits as the auditor of state or the general assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred to in division (B) of

this section.

Sec. 3770.073. (A) If a person is entitled to a lottery prize award and is indebted to the state for the payment of any tax, workers' compensation premium, unemployment contribution, payment in lieu of unemployment contribution, certified claim under section 131.02 or 131.021 of the Revised Code, or is indebted to a political subdivision that has a certified claim under section 131.02 of the Revised Code, lottery sales receipts held in trust on behalf of the state lottery commission as described in division (H)(4) of section 3770.05 of the Revised Code, or charge, penalty, or interest arising from these debts and if the amount of the prize money or the cost of goods or services awarded as a lottery prize award ~~is five thousand dollars or more~~ meets or exceeds the reportable winnings amount set by 26 U.S.C. 6041, the director of the state lottery commission, or the director's designee, shall do either of the following:

(1) If the prize award will be paid in a lump sum, deduct from the prize award and pay to the attorney general an amount in satisfaction of the debt and pay any remainder to that person. If the amount of the prize award is less than the amount of the debt, the entire amount of the prize award shall be deducted and paid in partial satisfaction of the debt.

(2) If the prize award will be paid in annual installments, on the date the initial installment payment is due, deduct from that installment and pay to the attorney general an amount in satisfaction of the debt and, if necessary to collect the full amount of the debt, do the same for any subsequent annual installments, at the time the installments become due and owing to the person, until the debt is fully satisfied.

(B) If a person entitled to a lottery prize award owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (C) of this section.

(C) Any debt owed under section 3770.071 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(D) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3772.01. As used in this chapter:

(A) "Applicant" means any person who applies to the commission for a license under this chapter.

(B) "Casino control commission fund" means the casino control commission fund described in Section 6(C)(3)(d) of Article XV, Ohio Constitution, the money in which shall be used to fund the commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in Section 6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009, or horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009.

(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code.

(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission.

(I) "Cheat" means to alter the result of a casino game, the element of chance, the operation of a machine used in a casino game, or the method of selection of criteria that determines (a) the result of the casino game, (b) the amount or frequency of payment in a casino game, (c) the value of a wagering instrument, or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment.

(M) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly does any of the following:

(1) Has the power or right to control a casino operator, management company, or gaming-related vendor license applicant or licensee;

(2) Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee;

(3) Holds voting rights with the power to vote five per cent or more of the outstanding voting rights of a casino operator, management company, or gaming-related vendor applicant or licensee.

(N) "Initial investment" includes costs related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements.

(O) "Institutional investor" means any of the following entities owning five per cent or more, but less than fifteen per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized

by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter, and that does not exercise control over the affairs of a licensee and its ownership interest in a licensee is for investment purposes only, as set forth in division (F) of section 3772.10 of the Revised Code.

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

- (1) An officer, director, trustee, partner, or an equivalent fiduciary;
- (2) An individual who holds a direct or indirect ownership interest of five per cent or more;
- (3) An individual who performs the function of a principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;
- (4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law

enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing ~~additional~~ training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.

(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the

gaming areas of facilities under the jurisdiction of the commission by placing their name on a voluntary exclusion list and following the procedures set forth by the commission.

Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each casino operator and management company to identify patrons who owe amounts to the state or a political subdivision.

(B)(1) Before disbursing any casino winnings to a patron that meet or exceed the reportable winnings amount set by 26 U.S.C. 6041, a casino operator or management company shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the casino operator or management company shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the casino operator or management company shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C)(1) Not later than seven days after withholding an amount under division (B) of this section, the casino operator or management company shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that have become final.

(E) The attorney general, in consultation with the commission, may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 3791.07. (A) The ~~board of building standards~~ may ~~superintendent~~ of industrial compliance shall establish such reasonable inspection fee

schedules as ~~is~~ the superintendent determines necessary or desirable relating to the inspection of all plans and specifications submitted for approval to the division of industrial compliance, and all industrialized units inspected at the point of origin and at the construction site of the building. The inspection fee schedule ~~established~~ shall be adopted by rule, in accordance with Chapter 119. of the Revised Code, and shall bear some reasonable relationship to the cost of administering and enforcing the provisions of Chapters 3781. and 3791. of the Revised Code.

(B) In addition to the fee assessed in division (A) of this section, the board of building standards shall assess a fee of not more than five dollars for each application for acceptance and approval of plans and specifications and for making inspections pursuant to section 3791.04 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent of industrial compliance shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(C) Any person who fails to pay an inspection fee required for any inspection conducted by the department of commerce pursuant to Chapters 3781. and 3791. of the Revised Code, except for fees charged for the inspection of plans and specifications, within forty-five days after the inspection is conducted, shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(D) The board of building standards shall pay the fees assessed under this section into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

Sec. 3794.01. Definitions.

As used in this chapter:

(A) "Smoking" means inhaling, exhaling, burning, or carrying any lighted ~~cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant~~ or heated tobacco product or plant product intended for inhalation in any manner or in any form. "Smoking" includes the use of an electronic smoking device and a vapor product. "Smoking" does not include the burning of incense in a religious ceremony.

(B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.

(C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways,

warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

(D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer for compensation or for no compensation.

(E) "Employer" means the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.

(F) "Enclosed Area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

(G) "Proprietor" means an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment.

(H) "Retail tobacco store" means a retail establishment that derives more than eighty ~~percent~~ per cent of its gross revenue from the sale of ~~eigars, cigarettes, pipes, or other smoking devices for burning tobacco~~ lighted or heated tobacco products and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or of any establishment with a liquor permit or of any restaurant.

(I) "Retail vapor store" means a retail establishment that derives more than eighty per cent of its gross revenue from the sale of vapor products, electronic smoking devices, or other electronic smoking product accessories and for which the sale of other products is merely incidental. "Retail vapor store" does not include a section of a larger commercial establishment or of an establishment with a liquor license or that is a restaurant.

(J) "Outdoor patio" means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

(K) "Vapor product" and "electronic smoking device" have the same meanings as in section 2927.02 of the Revised Code.

Sec. 3794.03. Areas where smoking is not regulated by this chapter.
The following shall be exempt from the provisions of this chapter:

(A) Private residences, except during the hours of operation as a child care or adult care facility for compensation, during the hours of operation as a business by a person other than a person residing in the private residence, or during the hours of operation as a business, when employees of the business, who are not residents of the private residence or are not related to the owner, are present.

(B) Rooms for sleeping in hotels, motels and other lodging facilities designated as smoking rooms; provided, however, that not more than twenty per cent of sleeping rooms may be so designated.

(C) Family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a freestanding structure occupied solely by the place of employment, and smoke from the place of employment does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(D) Any nursing home, as defined in division (A) of section 3721.10 of the Revised Code, but only to the extent necessary to comply with division (A)(18) of section 3721.13 of the Revised Code. If indoor smoking area is provided by a nursing home for residents of the nursing home, the designated indoor smoking area shall be separately enclosed and separately ventilated so that tobacco smoke does not enter, through entrances, windows, ventilation systems, or other means, any areas where smoking is otherwise prohibited under this chapter. Only residents of the nursing home may utilize the designated indoor smoking area for smoking. A nursing home may designate specific times when the indoor smoking area may be used for such purpose. No employee of a nursing home shall be required to accompany a resident into a designated indoor smoking area or perform services in such area when being used for smoking.

(E) Retail tobacco stores in operation prior to December 7, 2006. The retail tobacco store shall annually file with the department of health by the thirty-first day of January an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after December 7, 2006, or any existing retail tobacco store that relocates to another location after December 7, 2006, may only qualify for this exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter.

(F) Outdoor patios. All outdoor patios shall be physically separated

from an enclosed area. If windows or doors form any part of the partition between an enclosed area and the outdoor patio, the openings shall be closed to prevent the migration of smoke into the enclosed area. If windows or doors do not prevent the migration of smoke into the enclosed area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter.

(G) Private clubs as defined in division (B)(13) of section 4301.01 of the Revised Code, provided all of the following apply: the club has no employees; the club is organized as a not-for-profit entity; only members of the club are present in the club's building; no persons under the age of eighteen are present in the club's building; the club is located in a freestanding structure occupied solely by the club; smoke from the club does not migrate into an enclosed area where smoking is prohibited under the provisions of this chapter; and, if the club serves alcohol, it holds a valid D4 liquor permit.

(H) An enclosed space in a laboratory facility at an accredited college or university, when used solely and exclusively for clinical research activities by a person, organization, or other entity conducting institutional review board-approved scientific or medical research related to the health effects of smoking or the use of tobacco products. The enclosed space shall not be open to the public and shall be designed to minimize exposure of nonsmokers to smoke. The program administrator shall annually file a notice of new research with the department of health on a form prescribed by the department.

(I) A retail vapor store, insofar as the provisions of this chapter apply to smoking via vapor products and electronic smoking devices. The provisions of this chapter apply to retail vapor stores with regard to all other forms of smoking. The retail vapor store shall annually file with the department of health by the thirty-first day of January an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of vapor products, electronic smoking devices, or other electronic smoking product accessories.

Sec. 3796.28. (A) Nothing in this chapter does any of the following:

(1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;

(2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana;

(3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;

(4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;

(5) Permits a person to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;

(6) Affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under Chapter 4123. of the Revised Code.

(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section 4141.29 of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

(C) It is not a violation of division (A), (D), or (E) of section 4112.02 of the Revised Code if an employer discharges, refuses to hire, or otherwise discriminates against a person because of that person's use of medical marijuana if the person's use of medical marijuana is in violation of the employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.

Sec. 3796.31. Except as otherwise authorized in the Revised Code, no political subdivision shall levy any tax or fee on cultivators, processors, or dispensaries that is based on those businesses' gross receipts or that is the same as or similar to any tax or fee imposed by the state.

Sec. 3902.50. As used in sections 3902.50 to ~~3902.54~~ 3902.72 of the Revised Code:

(A) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code.

(B) "Clinical laboratory services" has the same meaning as in section 4731.65 of the Revised Code.

(C) "Cost sharing" means the cost to a covered person under a health benefit plan according to any copayment, coinsurance, deductible, or other out-of-pocket expense requirement.

(D) "Covered" or "coverage" means the provision of benefits related to

health care services to a covered person in accordance with a health benefit plan.

(E) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

~~(E)~~(F) "Drug" has the same meaning as in section 4729.01 of the Revised Code.

(G) "Emergency facility" has the same meaning as in section 3701.74 of the Revised Code.

~~(F)~~(H) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd:

- (1) Medical screening examinations undertaken to determine whether an emergency medical condition exists;
- (2) Treatment necessary to stabilize an emergency medical condition;
- (3) Appropriate transfers undertaken prior to an emergency medical condition being stabilized.

~~(G)~~(I) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.

(J) "Pharmacy benefit manager" has the same meaning as in section 3959.01 of the Revised Code.

(K) "Prior authorization requirement" means any practice implemented by a health plan issuer in which coverage of a health care service, device, or drug is dependent upon a covered person or a provider obtaining approval from the health plan issuer prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization requirement" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(L) "Unanticipated out-of-network care" means health care services, including clinical laboratory services, that are covered under a health benefit plan and that are provided by an out-of-network provider when either of the following conditions applies:

- (1) The covered person did not have the ability to request such services from an in-network provider.
- (2) The services provided were emergency services.

Sec. 3902.60. As used in sections 3902.60 and 3902.61 of the Revised Code:

(A) "Associated conditions" means the symptoms or side effects of stage four advanced metastatic cancer, or the treatment thereof, which would, in the judgment of the health care practitioner in question, jeopardize the health of a covered individual if left untreated.

~~(B) "Covered person," "health benefit plan," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.~~

~~(C) "Stage four advanced metastatic cancer" means a cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.~~

~~Sec. 3902.70. As used in this section and section 3902.71 of the Revised Code:~~

~~(A) "340B covered entity" and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code.~~

~~(B) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.~~

~~(C) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.~~

Sec. 3902.72. (A) As used in this section, "health care provider" has the same meaning as in section 3701.74 of the Revised Code.

(B) A health plan issuer, including a pharmacy benefit manager, shall, upon request of a covered person, the covered person's health care provider, or the third-party representative, furnish the following data for any and all drugs covered under a related health benefit plan:

(1) The covered person's eligibility information for any and all covered drugs:

(2) Cost-sharing information for any and all covered drugs, including a description of any variance in cost-sharing based on pharmacy, whether retail or mail order, or health care provider dispensing or administering the drugs:

(3) Any applicable utilization management requirements for any and all covered drugs, including prior authorization requirements, step therapy, quantity limits, and site-of-service restrictions.

(C) A health plan issuer, including a pharmacy benefit manager, providing the data required under division (B) of this section shall ensure that the data meets all of the following:

(1) It is current not later than one business day after any change is made.

(2) It is provided in real time.

(3) It is provided in the same format that the request is made by the covered person, the covered person's health care provider, or the third-party representative.

(D) The format in which a health plan issuer, including a pharmacy benefit manager, replies to a request made under division (B) of this section shall use established industry content and transport standards published by either of the following:

(1) A standards developing organization accredited by the American national standards institute, including the national council for prescription drug programs, ASC X12, health level 7;

(2) A relevant federal or state governing body, including the centers for medicare and medicaid services or the office of the national coordinator for health information technology.

(E) A health plan issuer, including a pharmacy benefit manager, shall furnish the data required under division (B) of this section regardless of whether the request is made using the drug's unique billing code, such as a national drug code or health care common procedure coding system code, or a descriptive term, such as the brand or generic name of the drug.

(F) A health plan issuer, including a pharmacy benefit manager, shall not deny or delay a request as a method of blocking the data required under division (B) of this section from being shared based on how the drug was requested.

(G) A health plan issuer, including a pharmacy benefit manager, furnishing the data required under division (B) of this section shall not do any of the following:

(1) Restrict, prohibit, or otherwise hinder, in any way, a health care provider from communicating or sharing any of the following:

(a) Any of the data required under division (B) of this section;

(b) Additional information on any lower-cost or clinically appropriate alternatives, whether or not they are covered under the covered person's health benefit plan;

(c) Additional payment or cost-sharing information that may reduce the covered person's out-of-pocket costs, such as cash price or patient assistance and support programs whether sponsored by a manufacturer, foundation, or other entity.

(2) Except as may be required by law, interfere with, prevent, or materially discourage access, exchange, or use of the data required under division (B) of this section, including any of the following:

(a) Charging fees;

(b) Not responding to a request at the time the request is made, if such a response is reasonably possible;

(c) Implementing technology in nonstandard ways;

(d) Instituting covered person consent requirements, processes, policies, procedures, or renewals that are likely to substantially increase the complexity or burden of accessing, exchanging, or using such data.

(3) Penalize a health care provider for disclosing such data to a covered person or for prescribing, administering, or ordering a clinically appropriate

or lower-cost alternative.

(H)(1) A health plan issuer, including a pharmacy benefit manager, shall treat a personal representative of a covered person as the covered person for purposes of this section.

(2) If under applicable law a person has authority to act on behalf of a covered person in making decisions related to health care, a health plan issuer, including a pharmacy benefit manager, or its affiliates or entities acting on its behalf, shall treat such person as a personal representative under this section.

(I) Divisions (A) to (H) of this section take effect January 1, 2022.

Sec. 3905.04. (A) Except as otherwise provided in this section or in section 3905.041 of the Revised Code, a resident individual applying for an insurance agent license for any of the lines of authority described in division (B) of this section shall take and pass a written examination prior to application for licensure. The examination shall test the knowledge of the individual with respect to the lines of authority for which application will be made, the duties and responsibilities of an insurance agent, and the insurance laws of this state. Before admission to the examination, each individual shall pay the nonrefundable examination fee.

(B) The examination described in division (A) of this section shall be required for the following lines of authority:

(1) Any of the lines of authority set forth in divisions (B)(1) to (5) of section 3905.06 of the Revised Code;

(2) Title insurance;

(3) Surety bail bonds as provided in sections 3905.83 to 3905.95 of the Revised Code;

(4) Any other line of authority designated by the superintendent of insurance.

(C)(1) An individual shall not be permitted to take the examination described in division (A) of this section unless one of the following applies:

~~(1)~~(a) The individual has earned a bachelor's or associate's degree in insurance from an accredited institution.

~~(2)~~(b) The individual has earned a professional designation approved by the superintendent.

~~(3)~~(c) The individual has completed, for each line of authority for which the individual has applied, twenty hours of study in a program of insurance education approved by the superintendent, under criteria established by the superintendent, which may include the option for all of the following types of courses and programs or combination thereof:

(i) Classroom;

(ii) Online:

(iii) Self-study.

(2) Division (C) of this section does not apply with respect to title insurance or any other line of authority designated by the superintendent.

(D) An individual who fails to appear for an examination as scheduled, or fails to pass an examination, may reapply for the examination if the individual pays the required fee and submits any necessary forms prior to being rescheduled for the examination.

(E)(1) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt any rule necessary for the implementation of this section.

(2) The superintendent may make any necessary arrangements, including contracting with an outside testing service, for the administration of the examinations and the collection of the fees required by this section.

Sec. 3929.87. Within ninety days of the occurrence of a fire loss in excess of five thousand dollars to real or personal property, the state fire marshal or any other person authorized to make an investigation pursuant to section 3737.24 of the Revised Code shall determine, to the extent practicable and in a manner consistent with accepted standards of investigation, whether such loss was caused by arson.

Sec. 3953.331. (A) For a title insurance company that is a joint venture, the annual review required under section 3953.33 of the Revised Code shall assess whether or not all members of the joint venture received revenue during the year in question from the title company commensurate to their ownership interest in the title company. The superintendent of insurance shall promulgate rules under Chapter 119. of the Revised Code setting forth the standards of the review required under this section and the form in which this information is to be provided.

(B) Title insurance companies that are joint ventures shall maintain sufficient records of their affairs, including their escrow operations, escrow trust accounts, and operating accounts so that the superintendent may adequately ensure that the title insurance company that is a joint venture and all members of the joint venture are in compliance with the requirements of this section. Records kept pursuant to this section shall be kept for a period of not less than ten years following the transactions to which the records relate. The superintendent may prescribe the specific records and documents to be kept.

Sec. 3953.36. For a title company that is a joint venture that is set to dissolve or terminate on a specified date, all members of that joint venture shall be allowed or invited to join any successor joint ventures formed upon

dissolution or termination of the original joint venture.

Sec. 4104.32. Except as provided pursuant to section 4104.37 of the Revised Code, no person shall operate a historical boiler in this state in a place that is open to the public unless ~~the~~ both of the following requirements are satisfied:

(A) The person operating the boiler is licensed under section 4104.35 of the Revised Code.

(B) The owner of the boiler holds a current valid certificate of operation for the historical boiler pursuant to section 4104.36 of the Revised Code.

Sec. 4104.33. There is hereby created the historical boilers licensing board consisting of seven members, three of whom shall be appointed by the governor with the advice and consent of the senate. The governor shall make initial appointments to the board within ninety days after the effective date of this section. Of the initial members appointed by the governor, one shall be for a term ending three years after the effective date of this section, one shall be for a term ending four years after the effective date of this section, and one shall be for a term ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the three members the governor appoints, one member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals.

Two members of the board shall be appointed by the president of the senate and two members of the board shall be appointed by the speaker of the house of representatives. The president and speaker shall make initial appointments to the board within ninety days after the effective date of this section. Of the initial members appointed by the president, one shall be for a term ending four years after the effective date of this section and one shall be for a term ending five years after the effective date of this section. Of the initial members appointed by the speaker, one shall be for a term ending three years after the effective date of this section and one shall be for a term ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the four members appointed by the president and speaker, each shall own a historical boiler and also have at least ten years of experience in the operation of historical boilers, and each of these four members shall reside in a different region of

the state.

Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled by the director of commerce, and shall not require the advice and consent of the senate. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority vote, a chairperson from among their members. The board shall meet at least once annually and at other times at the call of the chairperson. Board members shall receive their actual and necessary expenses incurred in the discharge of their duties as board members. The superintendent of industrial compliance shall call the first meeting of the board, and the superintendent, or the superintendent's designee, shall act as an ex officio chairperson at the first meeting for the sole purpose of electing a chairperson.

The superintendent of industrial compliance shall furnish office space, staff, and supplies to the board as the superintendent determines are necessary for the board to carry out its official duties under sections 4104.33 to 4104.37 of the Revised Code.

Sec. 4104.34. ~~The division of industrial compliance in the department of commerce~~ historical boilers licensing board shall do all of the following:

(A) Adopt rules concerning all of the following:

(1) Criteria that inspectors of historical boilers shall utilize in determining the safe operation of historical boilers;

(2) Procedures for the inspection of historical boilers;

(3) The standards for riveted or welded repairs or alterations made to historical boilers;

(4) Standards and procedures for the revocation of a historical boiler operator's license, which shall include an opportunity for appeal and hearing in accordance with Chapter 119. of the Revised Code;

(5) Standards for requalifying for a license after revocation of a license;

(6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the ~~division~~ board, as required under division (F) of section 4104.36 of the Revised Code;

~~(5)(7)~~ Standards for the public display and operation of historical boilers in this state by historical boiler operators who reside outside of this state.

(B) Issue triennial certificates of operation for historical boilers that pass the inspection required under section 4104.36 of the Revised Code;

(C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;

(D) Establish a fee for the inspection of historical boilers conducted pursuant to division (B) of section 4104.36 of the Revised Code in an amount sufficient to reimburse the department of commerce for the cost of conducting those inspections;

(E) Reimburse the department of commerce for the cost of inspections performed by the division of boiler inspection pursuant to section 4104.36 of the Revised Code;

(F) Issue licenses to operate historical boilers in public to persons who meet the requirements of section 4104.35 of the Revised Code;

(G) Grant approval of historical boiler operator's courses as the board determines appropriate;

(H) Grant approval of written or verbal examinations that are developed to test competence in operating historical boilers;

(I) For purposes of section 4104.37 of the Revised Code, determine the smallest size of historical boilers that are subject to sections 4104.32 to 4104.36 of the Revised Code;

~~(F)~~(J) For purposes of inspection criteria adopted by the ~~division~~ board pursuant to division (A)(1) of this section, establish the criteria based upon the manufacturing standards for safe operation that are established by the various manufacturers of historical boilers;

~~(G)~~(K) Appoint safety committees to conduct the hydrostatic tests required under division (F) of section 4104.36 of the Revised Code;

~~(H)~~(L) Establish requirements for the minimum amount of liability insurance that an owner of historical boilers shall carry on each historical boiler operated in public that the owner owns, if the ~~division~~ board determines that a minimum amount should be established.

Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. The board shall issue a license to any person who satisfies the following criteria:

(1) Is sixteen years of age or older;

(2) Has completed a historical boiler operator's course that is approved by the board;

(3) Passes a written or verbal examination that is approved by the board

and that tests for competence in operating historical boilers:

(4) Has at least one hundred hours of actual operating experience or training in the operation of historical boilers.

(B) A person who satisfies the criteria described in division (A) of this section shall pay a one-time fee of fifty dollars for the issuance of a license under this section.

(C) A license issued under this section is valid for the lifetime of the operator unless the license is revoked by the board pursuant to division (E) of this section.

(D) Persons who are under the age of sixteen may be trained in the operation of historical boilers by serving as apprentices to operators who are licensed under this section, in order to obtain the training required under division (A)(4) of this section for licensure.

(E) The board shall revoke a license issued under this section in accordance with rules the board adopts under division (A)(4) of section 4104.34 of the Revised Code. A person whose license is revoked may requalify for licensure if the person satisfies the criteria the board establishes in rules it adopts pursuant to division (A)(5) of section 4104.34 of the Revised Code.

Sec. 4104.36. (A) The owner of a historical boiler that is operated in public shall maintain a current valid certificate of operation for the historical boiler in accordance with the requirements of this section.

(B) ~~superintendent of industrial compliance~~ chief of the division of boiler inspection in the department of commerce shall inspect thoroughly, internally and externally, and under operating conditions, all historical boilers that are operated in public and their appurtenances. Inspectors shall examine the smoke box, barrel, wrapped sheet, dome, water column and water glass, firebox, external plumbing, fusible plug, pressure relief valve, and pressure gauge.

(C) After conducting the inspection required under division (B) of this section, the inspector shall evaluate whether the historical boiler is in safe operating condition according to rules adopted by the ~~division of industrial compliance~~ historical boiler licensing board pursuant to division (A)(1) of section 4104.34 of the Revised Code. If the inspector finds that the historical boiler is in safe operating condition, the inspector shall recommend that the ~~division board~~ board issue a certificate of operation for the historical boiler. If the ~~division board~~ board concurs with the recommendation of the inspector, the ~~division board~~ board shall issue a certificate of operation for the historical boiler inspected by that inspector. A certificate of operation is valid for a period of

three years after the date of issuance.

(D) If an inspector does not recommend the issuance of a certificate of operation for the historical boiler or if the ~~division board~~ decides not to issue a certificate of operation, the owner of the historical boiler may file an appeal with the ~~division board~~, and the ~~division board~~ shall conduct a hearing in accordance with Chapter 119. of the Revised Code.

(E) The owner of a historical boiler that is operated in public shall display the certificate of operation in a prominent place on the historical boiler during its operation.

(F) At least once every three years, a safety committee appointed by the ~~division board~~ pursuant to division ~~(G)~~ (K) of section 4104.34 of the Revised Code shall conduct a hydrostatic test at one and one-quarter of the maximum allowable working pressure on all publicly operated historical boilers that are assigned by the ~~division board~~ for testing by that safety committee. The safety committee shall submit the results of each hydrostatic test to the ~~division board~~ in accordance with rules adopted by the ~~division board~~ pursuant to division ~~(A)(4)~~ (A)(6) of section 4104.34 of the Revised Code.

Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised Code do not apply to historical boilers that are smaller than the size determined by the ~~division of industrial compliance~~ historical boilers licensing board pursuant to division ~~(E)~~ (I) of section 4104.34 of the Revised Code.

Sec. 4117.103. Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after September 29, 2005, shall prohibit a school district board of education from utilizing volunteers to assist the district and its schools in performing any of their functions, other than functions for which a license, permit, ~~or~~ certificate, or registration issued by the state board of education under section 3301.074 or Chapter 3319. of the Revised Code or a certificate issued under division (A) or (B) of section 3327.10 of the Revised Code is required.

Sec. 4141.01. As used in this chapter, unless the context otherwise requires:

(A)(1) "Employer" means the state, its instrumentalities, its political subdivisions and their instrumentalities, Indian tribes, and any individual or type of organization including any partnership, limited liability company, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee, or the successor thereof, or the legal representative of a deceased person who subsequent to December 31, 1971, or in the case of

political subdivisions or their instrumentalities, subsequent to December 31, 1973:

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A)(1)(a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and

(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;

(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or

(iii) Who became an employer by election under division (A)(4) or (5) of this section and for the duration of such election; or

(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, and Indian tribes, had in employment, as defined in divisions (B)(2)(a) and (B)(2)(l) of this section, at least one individual;

(g) For the purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the first day of January, the days of that week before the first day of January shall be considered one calendar week and the days beginning the first day of January another week.

(2) Each individual employed to perform or to assist in performing the work of any agent or employee of an employer is employed by such employer for all the purposes of this chapter, whether such individual was hired or paid directly by such employer or by such agent or employee, provided the employer had actual or constructive knowledge of the work. All individuals performing services for an employer of any person in this state who maintains two or more establishments within this state are employed by a single employer for the purposes of this chapter.

(3) An employer subject to this chapter within any calendar year is subject to this chapter during the whole of such year and during the next succeeding calendar year.

(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.

(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such

services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.

(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(B)(1) "Employment" means service performed by an individual for remuneration under any contract of hire, written or oral, express or implied, including service performed in interstate commerce and service performed by an officer of a corporation, without regard to whether such service is executive, managerial, or manual in nature, and without regard to whether such officer is a stockholder or a member of the board of directors of the corporation, unless it is shown to the satisfaction of the director that such individual has been and will continue to be free from direction or control over the performance of such service, both under a contract of service and in fact. The director shall adopt rules to define "direction or control."

(2) "Employment" includes:

(a) Service performed after December 31, 1977, by an individual in the employ of the state or any of its instrumentalities, or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions and without regard to divisions (A)(1)(a) and (b) of this section, provided that such service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c)(7) and is not excluded under division (B)(3) of this section; or the services of employees covered by voluntary election, as provided under divisions (A)(4) and (5) of this section;

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c)(8) of that act and is not excluded under division (B)(3) of this section;

(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A)(1)(c) of this section;

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A)(1)(d) of this section;

(e) Subject to division (B)(2)(m) of this section, service not covered under division (B)(1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the

service is performed but the individual's residence is in this state.

(g) Service not covered under division (B)(2)(f)(ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this state if the service is performed entirely within this state or if the service is performed both within and without this state but the service performed without this state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions;

(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B)(2)(f) and (g) of this section or similar provisions of another state's law, if:

(i) The employer's principal place of business in the United States is located in this state;

(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.

(i) For the purposes of division (B)(2)(h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of

the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B)(1) and (2) of this section, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;

(ii) The employer requires particular training for the individual performing services;

(iii) Services performed by the individual are integrated into the regular functioning of the employer;

(iv) The employer requires that services be provided by a particular individual;

(v) The employer hires, supervises, or pays the wages of the individual performing services;

(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;

(vii) The employer requires the individual to perform services during established hours;

(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;

(ix) The employer requires the individual to perform services on the employer's premises;

(x) The employer requires the individual performing services to follow the order of work established by the employer;

(xi) The employer requires the individual performing services to make oral or written reports of progress;

(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;

(xiii) The employer pays expenses for the individual performing services;

(xiv) The employer furnishes the tools and materials for use by the individual to perform services;

(xv) The individual performing services has not invested in the facilities used to perform services;

(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;

(xvii) The individual performing services is not performing services for more than two employers simultaneously;

(xviii) The individual performing services does not make the services available to the general public;

(xix) The employer has a right to discharge the individual performing services;

(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.

(l) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.

(m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment:

(i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the

motor carrier transporting property for which, or on whose behalf, the individual provides services.

(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.

(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.

(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.

(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee.

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c)(7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;

(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:

(i) As a publicly elected official;

(ii) As a member of a legislative body, or a member of the judiciary;

(iii) As a military member of the Ohio national guard;

(iv) As an employee, not in the classified service as defined in section

124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;

(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.

(d) In the employ of any governmental unit or instrumentality of the United States;

(e) Service performed after December 31, 1971:

(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or

(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;

(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;

(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be

returned to the employer or to a person designated for that purpose.

(h) Service performed after December 31, 1971:

(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees does not exceed sixty dollars per calendar quarter is casual labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder

or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality wholly owned by a foreign government if the service is of a character similar to that performed in foreign countries by employees of the United States or of an instrumentality thereof and if the director finds that the secretary of state of the United States has certified to the secretary of the treasury of the United States that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States and of instrumentalities thereof;

(o) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(p) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(q) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the director from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(t) Service performed in the employ of a day camp whose camping season does not exceed twelve weeks in any calendar year, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;

(y) Service performed by a person committed to a penal institution.

(z) Service performed for an Indian tribe as described in division (B)(2)(l) of this section when performed in any of the following manners:

(i) As a publicly elected official;
(ii) As a member of an Indian tribal council;
(iii) As a member of a legislative or judiciary body;
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;

(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.

(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.

(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B)(4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B)(4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B)(3)(o) of this section.

(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.

(D) "Benefit rights" means the weekly benefit amount and the maximum benefit amount that may become payable to an individual within the individual's benefit year as determined by the director.

(E) "Claim for benefits" means a claim for waiting period or benefits for a designated week.

(F) "Additional claim" means the first claim for benefits filed following any separation from employment during a benefit year; "continued claim"

means any claim other than the first claim for benefits and other than an additional claim.

(G) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during any calendar year to an individual by an employer or such employer's predecessor in interest in the same business or enterprise, which in any calendar year is in excess of nine thousand dollars on and after January 1, 1995; nine thousand five hundred dollars on and after January 1, 2018; and nine thousand dollars on and after January 1, 2020. Remuneration in excess of such amounts shall be deemed wages subject to contribution to the same extent that such remuneration is defined as wages under the "Federal Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The remuneration paid an employee by an employer with respect to employment in another state, upon which contributions were required and paid by such employer under the unemployment compensation act of such other state, shall be included as a part of remuneration in computing the amount specified in this division.

(H)(1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b)(2) to (b)(20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice

of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying weeks during the base period by the number of such qualifying weeks, provided that if the computation results in an amount that is not a multiple of one dollar, such

amount shall be rounded to the next lower multiple of one dollar.

(P) "Weekly benefit amount" means the amount of benefits an individual would be entitled to receive for one week of total unemployment.

(Q)(1) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except as provided in division (Q)(2) of this section.

(2) If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period shall be the four most recently completed calendar quarters preceding the first day of the individual's benefit year. Such base period shall be known as the "alternate base period." If information as to weeks and wages for the most recent quarter of the alternate base period is not available to the director from the regular quarterly reports of wage information, which are systematically accessible, the director may, consistent with the provisions of section 4141.28 of the Revised Code, base the determination of eligibility for benefits on the affidavit of the claimant with respect to weeks and wages for that calendar quarter. The claimant shall furnish payroll documentation, where available, in support of the affidavit. The determination based upon the alternate base period as it relates to the claimant's benefit rights, shall be amended when the quarterly report of wage information from the employer is timely received and that information causes a change in the determination. As provided in division (B) of section 4141.28 of the Revised Code, any benefits paid and charged to an employer's account, based upon a claimant's affidavit, shall be adjusted effective as of the beginning of the claimant's benefit year. No calendar quarter in a base period or alternate base period shall be used to establish a subsequent benefit year.

(3) The "base period" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the base period prescribed by the law of the state in which the claim is allowed.

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R)(1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks

that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment since the beginning of the individual's previous benefit year to file a valid application, "employment" means the performance of services for which remuneration is payable.

(2) Effective for benefit years beginning on and after December 26, 2004, but before July 1, 2022, any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual satisfies the criteria described in division (R)(1) of this section, and if the reason for the individual's separation from employment is not disqualifying pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code. A disqualification imposed pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code must be removed as provided in those sections as a requirement of establishing a valid application for benefit years beginning on and after December 26, 2004, but before July 1, 2022. Effective for benefit years beginning on and after July 1, 2022, any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual satisfies the criteria described in division (R)(1) of this section. A disqualification imposed pursuant to division (D)(2) of section 4141.29 or section 4141.291 of the Revised Code does not affect the validity of an application.

(3) The statewide average weekly wage shall be calculated by the director once a year based on the twelve-month period ending the thirtieth day of June, as set forth in division (B)(3) of section 4141.30 of the Revised Code, rounded down to the nearest dollar. Increases or decreases in the amount of remuneration required to have been earned or paid in order for individuals to have filed valid applications shall become effective on

Sunday of the calendar week in which the first day of January occurs that follows the twelve-month period ending the thirtieth day of June upon which the calculation of the statewide average weekly wage was based.

(4) As used in this division, an individual is "unemployed" if, with respect to the calendar week in which such application is filed, the individual is "partially unemployed" or "totally unemployed" as defined in this section or if, prior to filing the application, the individual was separated from the individual's most recent work for any reason which terminated the individual's employee-employer relationship, or was laid off indefinitely or for a definite period of seven or more days.

(S) "Calendar quarter" means the period of three consecutive calendar months ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December, or the equivalent thereof as the director prescribes by rule.

(T) "Computation date" means the first day of the third calendar quarter of any calendar year.

(U) "Contribution period" means the calendar year beginning on the first day of January of any year.

(V) "Agricultural labor," for the purpose of this division, means any service performed prior to January 1, 1972, which was agricultural labor as defined in this division prior to that date, and service performed after December 31, 1971:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) In the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by hurricane, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying,

packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V)(4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V)(4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.

(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A)(1)(d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB)(1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.

(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if:

(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or

(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and

(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B)(1) of this section.

(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB)(2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

Sec. 4141.131. The director of job and family services may enter into contracts for the sale of real property no longer needed by the director of job and family services for the operations of the director of job and family services under this title. Any costs attributable to the director of job and family services that are associated with the sale of real property under this section shall be paid out of the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code. The director of job and family services shall submit a report summarizing the use of that fund for the purpose of this section at least annually to the unemployment compensation advisory council as prescribed by the council.

The ~~auditor of state~~ director of administrative services, with the assistance of the attorney general, shall prepare a deed to the real property being sold upon notice from the director of job and family services that a contract for the sale of that property has been executed in accordance with this section. The deed shall state the consideration and any conditions placed upon the sale. The deed shall be executed by the governor in the name of the state, countersigned by the secretary of state, sealed with the great seal of the state, presented in the office of the ~~auditor of state~~ director of administrative services for recording, and delivered to the buyer upon payment of the balance of the purchase price.

The buyer shall present the deed for recording in the county recorder's office of the county in which the real property is located.

Sec. 4141.21. Except as provided in section 4141.162 of the Revised Code, and subject to section 4141.43 of the Revised Code, the information maintained by the director of job and family services or the unemployment compensation review commission or furnished to the director or commission by employers or employees pursuant to this chapter is for the exclusive use and information of the department of job and family services and the commission in the discharge of ~~its~~ their duties and shall not be open to the public or be used in any court in any action or proceeding pending therein, or be admissible in evidence in any action, other than one arising under this chapter or section 5733.42 of the Revised Code. All of the information and records necessary or useful in the determination of any particular claim for benefits or necessary in verifying any charge to an employer's account under sections 4141.23 to 4141.26 of the Revised Code shall be available for examination and use by the employer and the employee involved or their authorized representatives in the hearing of such cases, and that information may be tabulated and published in statistical form for the use and information of the state departments and the public.

Sec. 4141.22. (A) No person shall disclose any information that was maintained by the director of job and family services or the unemployment compensation review commission or that was furnished to the director or the commission by employers or employees pursuant to this chapter, unless such disclosure is permitted under section 4141.21 of the Revised Code.

(B) No person in the employ of the director ~~of job and family services~~ ~~or~~ a county family services agency ~~or~~ a workforce development agency, or the commission, or who has been in the employ of the director ~~or~~ those agencies, or the commission, at any time, shall divulge any information maintained by or furnished to the director or the commission under this chapter and secured by the person while so employed, in respect to the transactions, property, business, or mechanical, chemical, or other industrial process of any person, firm, corporation, association, or partnership to any person other than the director or other employees of the department of job and family services ~~or~~ a county family services agency ~~or~~ workforce development agency, or the commission, as required by the person's duties, or to other persons as authorized by the director under section 4141.43 of the Revised Code.

Whoever violates this section shall be disqualified from holding any appointment or employment by the director ~~or~~ a county family services agency ~~or~~ a workforce development agency, or the commission.

Sec. 4141.286. When determining whether an application for determination of benefit rights is valid or determining whether a first claim

or additional claim for benefits allows a claimant to qualify for benefits, in addition to other information available, the director of job and family services shall do all of the following:

(A) Check the new hires directory maintained by the department of job and family services under section 3121.894 of the Revised Code for a new hire report applicable to the claimant;

(B) Check the information in the national directory of new hires that is made available to the director under section 453 of the "Social Security Act," 42 U.S.C. 653, for the purpose of administering this chapter;

(C) Check the integrity data hub maintained by the national association of state workforce agencies or a similar database maintained by a successor organization.

Sec. 4141.51. (A) An employer who wishes to participate in the SharedWork Ohio program shall submit a plan to the director of job and family services in which the employer does all of the following:

(1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work;

(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and ~~fifty~~ sixty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan;

(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible;

(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program;

(5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program;

(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et seq.;

(7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code;

(8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws;

(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan;

(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter;

(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter;

(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis;

(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan.

(B) The director shall approve a shared work plan if an employer includes in the plan all of the information, certifications, and assurances required under division (A) of this section.

(C) The director shall approve or deny a shared work plan and shall send a written notice to the employer stating whether the director approved or denied the plan not later than ~~thirty~~ ten days after the director receives the

plan. If the director denies approval of a shared work plan, the director shall state the reasons for denying approval in the written notice sent to the employer.

(D) The director shall enforce the requirements of the SharedWork Ohio program in the same manner as the director enforces the requirements of this chapter, including under section 4141.40 of the Revised Code.

Sec. 4141.53. (A) An individual is eligible to receive shared work compensation for a week in which the individual satisfies all of the following:

(1) The individual is employed by a participating employer and is subject to a shared work plan that was approved before that week and is in effect for that week.

(2) The individual is available for work and is actively seeking work by being available for the individual's normal weekly hours of work.

(3) The individual's normal weekly hours of work with the participating employer have been reduced by at least ten per cent but not more than ~~fifty~~ sixty per cent.

(4) The individual has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for those weeks.

(5) The individual has been subject to a shared work plan for at least one week prior to the week for which the compensation is to be paid, or otherwise satisfies the waiting period requirement of division (B) of section 4141.29 of the Revised Code for the individual's benefit year.

(6) The individual otherwise satisfies the requirements of this chapter and is not otherwise disqualified from receiving unemployment compensation benefits.

(B) For purposes of division (A)(2) of this section, an individual is available for the individual's normal weekly hours of work with the participating employer if the individual does any of the following:

(1) Works the number of weekly hours assigned to the individual under an approved shared work plan;

(2) Works fewer hours than the number of weekly hours assigned to the individual under an approved shared work plan and either of the following apply:

(a) The individual takes approved time off during the week with pay, and the combined work hours and paid leave hours equal the number of hours the employee would have worked under the plan;

(b) The individual does not take approved time off with pay during that week and the reduction in hours was not the fault of the individual and was not more than ~~fifty~~ sixty per cent of the individual's normal weekly hours of work.

(C)(1) Except as provided in division (C)(2) or (D) of this section, the director of job and family services shall pay a participating employee who is eligible for weekly shared work compensation in an amount equal to the participating employee's weekly benefit amount as described in division (B) of section 4141.30 of the Revised Code for a period of total unemployment, multiplied by the reduction percentage specified in the approved shared work plan applicable to the participating employee.

(2) The director shall pay a participating employee who is eligible for weekly shared work compensation in an amount equal to the participating employee's weekly benefit amount as described in division (B) of section 4141.30 of the Revised Code for a period of total unemployment, multiplied by the percentage by which the participating employee's normal weekly hours of work were actually reduced during the workweek, if all of the following apply:

(a) The participating employee did not take approved paid leave during the week.

(b) The participating employee's normal weekly hours of work were actually reduced by not less than ten per cent and not greater than ~~fifty~~ sixty per cent.

(c) The increase or decrease in the participating employee's hours above or below the number of hours assigned to the employee in the approved shared work plan was not the fault of the employee.

(3) The director shall determine fault for purposes of divisions (B)(2)(b) and (C)(2)(c) of this section in the same manner that the director makes determinations for benefit rights and determines claims for unemployment compensation benefits under sections 4141.28 and 4141.281 of the Revised Code.

(4) The director shall round the amount of a shared work compensation payment that is not a multiple of one dollar to the next lower multiple of one dollar.

(5) No shared work compensation shall be payable during the one-week period described in division (A)(5) of this section.

(D) If an individual works for a participating employer and another employer during the weeks the individual is covered by an approved shared work plan, eligibility for shared work compensation is determined as follows:

(1) If the combined number of hours the individual works for both the participating employer and the other employer in a week exceeds the amount of the individual's normal weekly hours of work reduced by ten per cent, the individual is not eligible for shared work compensation.

(2) If the combined number of hours the individual works in a week for both employers equals the amount of the individual's normal weekly hours of work reduced between ten and ~~fifty~~ sixty per cent, the director shall pay the individual, if the individual is otherwise eligible, shared work compensation in an amount equal to the individual's weekly benefit amount as described in division (B) of section 4141.30 of the Revised Code for a period of total unemployment, multiplied by the percentage by which the individual's normal weekly hours of work were reduced during the week when factoring in both the amount of hours worked for the other employer and the amount of hours worked for the participating employer.

(E) A participating employee is not entitled to receive shared work compensation and unemployment compensation benefits that, when combined, exceed the maximum total benefits payable to the participating employee in a benefit year under section 4141.30 of the Revised Code. No participating employee shall be paid shared work compensation during the employee's benefit year in an amount that exceeds twenty-six times the amount of the employee's weekly benefit amount for a period of total unemployment under section 4141.30 of the Revised Code.

(F) An individual who has received all of the shared work compensation and unemployment compensation benefits available in a benefit year is an individual who has exhausted regular benefits under section 4141.30 of the Revised Code and is entitled to receive extended benefits under section 4141.301 of the Revised Code if the individual is otherwise eligible to receive benefits under that section.

(G) Except as provided in division (C)(2) of this section, the director shall not pay shared work compensation to an individual for a week during which the individual performs paid work for the individual's participating employer that exceeds or falls below the reduced hours established under an approved shared work plan that covers the individual.

(H)(1) Except as provided in divisions (H)(2) and (3) of this section, a participating employee is not eligible to receive benefits for being partially unemployed for any week during which the individual works as a participating employee.

(2) A participating employee who performs no services during a week for the participating employer and who is otherwise eligible may be paid benefits for being totally or partially unemployed for that week.

(3) A participating employee whose normal weekly hours of work are reduced by more than ~~fifty~~ sixty per cent and who is otherwise eligible may be paid benefits for partial unemployment for that week.

(I) Any payment of total or partial unemployment compensation benefits under this section is not a payment of shared work compensation under an approved plan but shall be calculated against the maximum total benefits payable to the participating employee in a benefit year under section 4141.30 of the Revised Code.

(J) For purposes of this section and unless another benefit year applies to the individual, notwithstanding division (R)(1) of section 4141.01 of the Revised Code, a participating employee's "benefit year" is the fifty-two week period beginning with the first day of that week with respect to which the employee's participating employer first files a claim on behalf of the participating employee pursuant to division (B) of section 4141.54 of the Revised Code.

Sec. 4141.55. (A) If the state is eligible for and receives reimbursement for shared work compensation paid under the SharedWork Ohio program from the federal government pursuant to the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 126 Stat. 156, or any other federal law, notwithstanding section 4141.24 of the Revised Code and if permitted under that act or other federal law, during the time period in which the state is fully or partially reimbursed the account of an employer shall not be charged for the portion of any shared work compensation paid to a participating employer's participating employees for which the state receives reimbursement. If the federal government does not provide full reimbursement for shared work compensation paid to an individual under section 4141.53 of the Revised Code, the portion of shared work compensation paid to that individual that is not reimbursed shall be charged in accordance with division (C) of this section.

(B) Beginning with the week for which the federal government no longer provides reimbursement, or if the state does not receive reimbursement or the federal government requires an employer's account to be charged, any shared work compensation paid to an individual shall be charged in accordance with division (C) of this section.

(C) Except as provided in divisions (A) and (B) of this section, any shared work compensation paid to an individual under section 4141.53 of the Revised Code shall be charged in accordance with division (D) of section 4141.24 of the Revised Code.

Sec. 4301.03. The liquor control commission may adopt and promulgate, repeal, rescind, and amend, in the manner required by this

section, rules, standards, requirements, and orders necessary to carry out this chapter and Chapter 4303. of the Revised Code, but all rules of the board of liquor control that were in effect immediately prior to April 17, 1963, shall remain in full force and effect as rules of the liquor control commission until and unless amended or repealed by the liquor control commission. The rules of the commission may include the following:

(A) Rules with reference to applications for and the issuance of permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor, and the sale of alcohol; and rules governing the procedure of the division of liquor control in the suspension, revocation, and cancellation of those permits;

(B) Rules and orders providing in detail for the conduct of any retail business authorized under permits issued pursuant to this chapter and Chapter 4303. of the Revised Code, with a view to ensuring compliance with those chapters and laws relative to them, and the maintenance of public decency, sobriety, and good order in any place licensed under the permits. No rule or order shall prohibit the operation of video lottery terminal games at a commercial race track where live horse racing and simulcasting are conducted in accordance with Chapter 3769. of the Revised Code or the sale of lottery tickets issued pursuant to Chapter 3770. of the Revised Code by any retail business authorized under permits issued pursuant to that chapter.

No rule or order shall prohibit pari-mutuel wagering on simulcast horse races at a satellite facility that has been issued a D liquor permit under Chapter 4303. of the Revised Code. No rule or order shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used ~~at other times~~ for the conduct of a bingo game, as described in division (O) of section 2915.01 of the Revised Code. ~~However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game, as described in division (O)(1) of section 2915.01 of the Revised Code, is being conducted while the game is being conducted.~~ As used in this division, "charitable organization" has the same meaning as in division (H) of section 2915.01 of the Revised Code. No rule or order pertaining to visibility into the premises of a permit holder after the legal hours of sale shall be adopted or maintained by the commission.

(C) Standards, not in conflict with those prescribed by any law of this state or the United States, to secure the use of proper ingredients and methods in the manufacture of beer, mixed beverages, and wine to be sold

within this state;

(D) Rules determining the nature, form, and capacity of all packages and bottles to be used for containing beer or intoxicating liquor, except for spirituous liquor to be kept or sold, governing the form of all seals and labels to be used on those packages and bottles;

(E) Rules requiring the label on every package, bottle, and container to state all of the following, as applicable:

(1) The ingredients in the contents;

(2) Except for beer, the terms of weight, volume, or proof spirits;

(3) Except for spirituous liquor, whether the product is beer, wine, alcohol, or any intoxicating liquor;

(4) Regarding beer that contains more than twelve per cent of alcohol by volume, the percentage of alcohol by volume and that the beer is a "high alcohol beer."

(F) Uniform rules governing all advertising with reference to the sale of beer and intoxicating liquor throughout the state and advertising upon and in the premises licensed for the sale of beer or intoxicating liquor;

(G) Rules restricting and placing conditions upon the transfer of permits;

(H) Rules and orders limiting the number of permits of any class within the state or within any political subdivision of the state; and, for that purpose, adopting reasonable classifications of persons or establishments to which any authorized class of permits may be issued within any political subdivision;

(I) Rules and orders with reference to sales of beer and intoxicating liquor on Sundays and holidays and with reference to the hours of the day during which and the persons to whom intoxicating liquor of any class may be sold, and rules with reference to the manner of sale;

(J) Rules requiring permit holders buying beer to pay and permit holders selling beer to collect minimum cash deposits for kegs, cases, bottles, or other returnable containers of the beer; requiring the repayment, or credit, of the minimum cash deposit charges upon the return of the empty containers; and requiring the posting of such form of indemnity or such other conditions with respect to the charging, collection, and repayment of minimum cash deposit charges for returnable containers of beer as are necessary to ensure the return of the empty containers or the repayment upon that return of the minimum cash deposits paid;

(K) Rules establishing the method by which alcohol products may be imported for sale by wholesale distributors and the method by which manufacturers and suppliers may sell alcohol products to wholesale

distributors.

Every rule, standard, requirement, or order of the commission and every repeal, amendment, or rescission of them shall be posted for public inspection in the principal office of the commission and the principal office of the division of liquor control, and a certified copy of them shall be filed in the office of the secretary of state. An order applying only to persons named in it shall be served on the persons affected by personal delivery of a certified copy, or by mailing a certified copy to each person affected by it or, in the case of a corporation, to any officer or agent of the corporation upon whom a service of summons may be served in a civil action. The posting and filing required by this section constitutes sufficient notice to all persons affected by such rule or order which is not required to be served. General rules of the commission promulgated pursuant to this section shall be published in the manner the commission determines.

Sec. 4301.10. (A) The division of liquor control shall do all of the following:

(1) Control the traffic in beer and intoxicating liquor in this state, including the manufacture, importation, and sale of beer and intoxicating liquor;

(2) Grant or refuse permits for the manufacture, distribution, transportation, and sale of beer and intoxicating liquor and the sale of alcohol, as authorized or required by this chapter and Chapter 4303. of the Revised Code. A certificate, signed by the superintendent of liquor control and to which is affixed the official seal of the division, stating that it appears from the records of the division that no permit has been issued to the person specified in the certificate, or that a permit, if issued, has been revoked, canceled, or suspended, shall be received as prima-facie evidence of the facts recited in the certificate in any court or before any officer of this state.

(3) Put into operation, manage, and control a system of state liquor stores for the sale of spirituous liquor at retail and to holders of permits authorizing the sale of spirituous liquor; however, the division shall not establish any drive-in state liquor stores; and by means of those types of stores, and any manufacturing plants, distributing and bottling plants, warehouses, and other facilities that it considers expedient, establish and maintain a state monopoly of the distribution of spirituous liquor and its sale in packages or containers; and for that purpose, manufacture, buy, import, possess, and sell spirituous liquors as provided in this chapter and Chapter 4303. of the Revised Code, and in the rules promulgated by the superintendent of liquor control pursuant to those chapters; lease or in any manner acquire the use of any land or building required for any of those

purposes; purchase any equipment that is required; and borrow money to carry on its business, and issue, sign, endorse, and accept notes, checks, and bills of exchange; but all obligations of the division created under authority of this division shall be a charge only upon the moneys received by the division from the sale of spirituous liquor and its other business transactions in connection with the sale of spirituous liquor, and shall not be general obligations of the state;

(4) Enforce the administrative provisions of this chapter and Chapter 4303. of the Revised Code, and the rules and orders of the liquor control commission and the superintendent relating to the manufacture, importation, transportation, distribution, and sale of beer or intoxicating liquor. The attorney general, any prosecuting attorney, and any prosecuting officer of a municipal corporation or a municipal court shall, at the request of the division of liquor control or the department of public safety, prosecute any person charged with the violation of any provision in those chapters or of any section of the Revised Code relating to the manufacture, importation, transportation, distribution, and sale of beer or intoxicating liquor.

(5) Determine the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, subject to this chapter and Chapter 4303. of the Revised Code;

(6) Conduct inspections of liquor permit premises to determine compliance with the administrative provisions of this chapter and Chapter 4303. of the Revised Code and the rules adopted under those provisions by the liquor control commission.

Except as otherwise provided in division (A)(6) of this section, those inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer or intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A)(6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At

that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory.

(c) Inspections conducted pursuant to division (A)(6) of this section shall be conducted in a reasonable manner. A finding by any court of competent jurisdiction that an inspection was not conducted in a reasonable manner in accordance with this section or any rules adopted by the commission may be considered grounds for suppression of evidence. A finding by the commission that an inspection was not conducted in a reasonable manner in accordance with this section or any rules adopted by it may be considered grounds for dismissal of the commission case.

If any court of competent jurisdiction finds that property confiscated as the result of an administrative inspection is not necessary for evidentiary purposes and is not contraband, as defined in section 2901.01 of the Revised Code, the court shall order the immediate return of the confiscated property, provided that property is not otherwise subject to forfeiture, to the permit holder. However, the return of this property is not grounds for dismissal of the case. The commission likewise may order the return of confiscated property if no criminal prosecution is pending or anticipated.

(7) Delegate to any of its agents or employees any power of investigation that the division possesses with respect to the enforcement of any of the administrative laws relating to beer or intoxicating liquor, provided that this division does not authorize the division to designate any agent or employee to serve as an enforcement agent. The employment and designation of enforcement agents shall be within the exclusive authority of the director of public safety pursuant to sections 5502.13 to 5502.19 of the Revised Code.

(8) Collect the following fees:

(a) A biennial fifty-dollar registration fee for each agent, solicitor, trade marketing professional, or salesperson, registered pursuant to section 4303.25 of the Revised Code, of a beer or intoxicating liquor manufacturer, supplier, broker, trade marketing company, or wholesale distributor doing business in this state;

(b) A fifty-dollar product registration fee for each new beer or intoxicating liquor product sold in this state. The product registration fee also applies to products sold in this state by B-2a, S-1, and S-2 permit holders. The product registration fee shall be accompanied by a copy of the federal label and product approval for the new product.

(c) An annual three-hundred-dollar supplier registration fee from each manufacturer or supplier that produces and ships into this state, or ships into

this state, intoxicating liquor or beer, in addition to an initial application fee of one hundred dollars. A manufacturer that produces and ships beer or wine into this state and that holds only an § S-1 or S-2 permit, as applicable, is exempt from the supplier registration fee. A manufacturer that produces and ships beer or wine into this state and that holds a B-2a permit shall pay an annual seventy-six-dollar supplier registration fee. A manufacturer that produces and ships wine into this state and that does not hold either an § S-1 or a B-2a permit, but that produces less than two hundred fifty thousand gallons of wine per year ~~and that is entitled to a tax credit under 27 C.F.R. 24.278~~ shall pay an annual seventy-six-dollar supplier registration fee. A B-2a, S-1, or § S-2 permit holder that does not sell its wine to wholesale distributors of wine in this state and an § S-1 permit holder that does not sell its beer to wholesale distributors of beer in this state shall not be required to submit to the division territory designation forms.

Each supplier, agent, solicitor, trade marketing professional, or salesperson registration issued under this division shall authorize the person named to carry on the activity specified in the registration. Each agent, solicitor, trade marketing professional, or salesperson registration is valid for two years or for the unexpired portion of a two-year registration period. Each supplier registration is valid for one year or for the unexpired portion of a one-year registration period. Registrations shall end on their respective uniform expiration date, which shall be designated by the division, and are subject to suspension, revocation, cancellation, or fine as authorized by this chapter and Chapter 4303. of the Revised Code.

As used in this division, "trade marketing company" and "trade marketing professional" have the same meanings as in section 4301.171 of the Revised Code.

(9) Establish a system of electronic data interchange within the division and regulate the electronic transfer of information and funds among persons and governmental entities engaged in the manufacture, distribution, and retail sale of alcoholic beverages;

(10) Notify all holders of retail permits of the forms of permissible identification for purposes of division (A) of section 4301.639 of the Revised Code;

(11) Exercise all other powers expressly or by necessary implication conferred upon the division by this chapter and Chapter 4303. of the Revised Code, and all powers necessary for the exercise or discharge of any power, duty, or function expressly conferred or imposed upon the division by those chapters.

(B) The division may do all of the following:

(1) Sue, but may be sued only in connection with the execution of leases of real estate and the purchases and contracts necessary for the operation of the state liquor stores that are made under this chapter and Chapter 4303. of the Revised Code;

(2) Enter into leases and contracts of all descriptions and acquire and transfer title to personal property with regard to the sale, distribution, and storage of spirituous liquor within the state;

(3) Terminate at will any lease entered into pursuant to division (B)(2) of this section upon first giving ninety days' notice in writing to the lessor of its intention to do so;

(4) Fix the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor shall be sold by the division. Those retail prices shall be the same at all state liquor stores, except to the extent that a price differential is required to collect a county sales tax levied pursuant to section 5739.021 of the Revised Code and for which tax the tax commissioner has authorized prepayment pursuant to section 5739.05 of the Revised Code. In fixing selling prices, the division shall compute an anticipated gross profit at least sufficient to provide in each calendar year all costs and expenses of the division and also an adequate working capital reserve for the division. The gross profit shall not exceed forty per cent of the retail selling price based on costs of the division, and in addition the sum required by section 4301.12 of the Revised Code to be paid into the state treasury. An amount equal to one and one-half per cent of that gross profit shall be paid into the statewide treatment and prevention fund created by section 4301.30 of the Revised Code and be appropriated by the general assembly from the fund to the department of mental health and addiction services as provided in section 4301.30 of the Revised Code.

On spirituous liquor manufactured in this state from the juice of grapes or fruits grown in this state, the division shall compute an anticipated gross profit of not to exceed ten per cent.

The wholesale prices fixed under this division shall be at a discount of not less than six per cent of the retail selling prices as determined by the division in accordance with this section.

(C) The division may approve the expansion or diminution of a premises to which a liquor permit has been issued and may adopt standards governing such an expansion or diminution.

Sec. 4301.12. The division of liquor control shall provide for the custody, safekeeping, and deposit of all moneys, checks, and drafts received by it or any of its employees or agents prior to paying them to the treasurer of state as provided by section 113.08 of the Revised Code.

A sum equal to three dollars and thirty-eight cents for each gallon of spirituous liquor sold by the division, JobsOhio, or a designee of JobsOhio during the period covered by the payment shall be paid into the state treasury to the credit of the general revenue fund. All moneys received from permit fees, except B-2a, S-1, and S-2 permit fees from B-2a, S-1, and S-2 permit holders who do not also hold A-2 or A-2f permits, shall be paid to the credit of the undivided liquor permit fund established by section 4301.30 of the Revised Code.

Except as otherwise provided by law, the division shall deposit all moneys collected under Chapters 4301. and 4303. of the Revised Code into the state treasury to the credit of the state liquor regulatory fund created in section 4301.30 of the Revised Code. In addition, revenue resulting from any contracts with the department of commerce pertaining to the responsibilities and operations described in this chapter may be credited to the fund.

Whenever, in the judgment of the director of budget and management, the amount in the liquor control fund is in excess of that needed to meet the maturing obligations of the division, as working capital for its further operations, to pay the operating expenses of the commission, and for the alcohol testing program under section 3701.143 of the Revised Code, the director shall transfer the excess to the credit of the general revenue fund. If the director determines that the amount in the liquor control fund is insufficient, the director may transfer money from the general revenue fund to the liquor control fund.

Sec. 4301.30. (A) All fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township.

(B)(1) An amount equal to forty-five per cent of the fund shall be paid from the fund into the state liquor regulatory fund, which is hereby created in the state treasury. The state liquor regulatory fund shall be used to pay the operating expenses of the division of liquor control in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the liquor control commission. Investment earnings of the fund shall be credited to the fund.

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund

is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B)(4) of section 4301.10 of the Revised Code, to the department of mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 5119. of the Revised Code, the department shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located in the township, for the use of the general fund of the township, or for fire protection purposes, including buildings and equipment in the township or in an established fire district within the township, to the extent that the funds are derived from liquor permits within the territory comprising such fire district.

(E) For the purpose of the distribution required by this section, E, H, and D permits covering boats or vessels are deemed to have been issued in the municipal corporation or township wherein the owner or operator of the vehicle, boat, vessel, or dining car equipment to which the permit relates has the owner's or operator's principal office or place of business within the state.

(F) If the liquor control commission determines that the police or other officers of any municipal corporation or township entitled to share in distributions under this section are refusing or culpably neglecting to enforce this chapter and Chapter 4303. of the Revised Code, or the penal laws of this state relating to the manufacture, importation, transportation, distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with

the request of the commission authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission, by certified mail, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the commission shall determine whether the requirement has been complied with. If the commission determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

(G) All fees collected by the division of liquor control from the issuance or renewal of B-2a, S-1, and S S-2 permits, and paid by B-2a, S-1, and S S-2 permit holders who do not also hold A-1 or A-1c permits or A-2 or A-2f permits, shall be deposited in the state treasury to the credit of the state liquor regulatory fund. Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor regulatory fund into the general revenue fund.

Sec. 4301.42. For the purpose of providing revenue for the support of the state, a tax is hereby levied on the sale of beer in sealed bottles and cans having twelve ounces or less of liquid content, at the rate of fourteen one-hundredths of one cent on each ounce of liquid content or fractional part of each ounce of liquid content, and on such containers in excess of twelve ounces, at the rate of eighty-four one-hundredths of one cent on each six ounces of liquid content or fractional part of each six ounces of liquid content. Sections 4307.01 to 4307.12 of the Revised Code apply in the administration of that tax. Manufacturers, bottlers, and canners of beer, wholesale dealers in beer, and S S-1 permit holders have the duty to pay the tax imposed by this section and are entitled to the privileges in the manner provided in section 4303.33 of the Revised Code.

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of the Revised Code:

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces.

(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale.

(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on

the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2, A-2f, ~~and B-5~~, S-1, and S-2 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the ownership of the mixed beverage is transferred for valuable consideration to a wholesaler or retailer, and no payment of the tax shall be required prior to that time.

(D) ~~During the period of July 1, 2019, through June 30, 2021, from~~ From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to two cents per gallon upon which the tax is paid. The amount credited under this division is in addition to the amount credited to the Ohio grape industries fund under division (B) of this section.

(E) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on cider at the rate of twenty-four cents per wine gallon to be paid by the holders of A-2, A-2f, and B-5 permits or by any other person selling or distributing cider upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of the tax due.

Sec. 4301.432. For the purpose of encouraging the grape industries of the state, a tax is hereby levied on the sale or distribution of vermouth, sparkling and carbonated wine and champagne, and other wine, except for

known sacramental purposes, at the rate of two cents per wine gallon, the tax to be paid by the holders of A-2, A-2f, B-2a, B-5, S-1 and S-2 permits or by any other person selling or distributing wine upon which no such tax has been paid. The treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code the moneys the treasurer of state receives from this tax.

Sec. 4301.62. (A) As used in this section:

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code.

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code.

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:

(1) Except as provided in division (C)(1)(e) of this section, in an agency store;

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control;

(3) In any other public place;

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, S-1, or S-2 permit holder or ~~S-permit holder~~ for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a

convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

(b) As used in division (C)(3)(a) of this section:

(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.

(ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than one hundred fifty acres of land and that is open for performances from the first day of April to the last day of October of each year.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:

(a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;

(b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than twenty-five other events or performances that are free of charge on the permit premises.

As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section.

(6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

(i) The person is attending a racing event at the facility; and

(ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

(i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply:

(I) It is two and four-tenths miles or more in length.

(II) It is located on two hundred acres or more of land.

(III) The primary business of the owner of the facility is the hosting and promoting of racing events.

(IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

(7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under section 4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply:

(i) The permit holder's premises is located within the outdoor refreshment area.

(ii) The permit held by the permit holder has an outdoor refreshment area designation.

(b) Division (C)(7) of this section does not authorize a person to do either of the following:

(i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere;

(ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section.

(c) As used in division (C)(7) of this section, "D class permit holder" does not include a D-6 or D-8 permit holder.

(8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply:

(i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises;

(ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A)(3) of section 4303.208 of the Revised Code.

(b) As used in division (C)(8) of this section, "market" means a market, for which an F-8 permit is held, that has been in operation since 1860.

(D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of the person, when all of the following apply:

(1) The person or guest is a passenger in the limousine.

(2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located.

(3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with

division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand

square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal that is restricted to persons taking flights to and from the airport; and

(2) The consumption is authorized under division (D)(2)(a) of section 4303.181 of the Revised Code.

Sec. 4301.82. (A) As used in this section:

(1) "Qualified permit holder" means the holder of an A-1, A-1-A, A-1c, A-2, A-2f, or D class permit issued under Chapter 4303. of the Revised Code.

(2) "D class permit" does not include a D-6 or D-8 permit.

(B) The executive officer of a municipal corporation or the fiscal officer of a township may file an application with the legislative authority of the municipal corporation or township to have property within the municipal corporation or township designated as an outdoor refreshment area or to expand an existing outdoor refreshment area to include additional property within the municipal corporation or township. The executive officer or fiscal officer shall ensure that the application contains all of the following:

(1) A map or survey of the proposed outdoor refreshment area in sufficient detail to identify the boundaries of the area, which shall not exceed either of the following, as applicable:

(a) Three hundred twenty contiguous acres or one-half square mile if the municipal corporation or township has a population of more than thirty-five thousand as specified in division (D) of this section;

(b) One hundred fifty contiguous acres if the municipal corporation or township has a population of thirty-five thousand or less as specified in division (D) of this section.

(2) A general statement of the nature and types of establishments that will be located within the proposed outdoor refreshment area;

(3) A statement that the proposed outdoor refreshment area will encompass not fewer than four qualified permit holders;

(4) Evidence that the uses of land within the proposed outdoor refreshment area are in accord with the master zoning plan or map of the municipal corporation or township;

(5) Proposed requirements for the purpose of ensuring public health and safety within the proposed outdoor refreshment area.

(C) Within forty-five days after the date the application is filed with the legislative authority of a municipal corporation or township, the legislative authority shall publish public notice of the application in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. The legislative authority shall ensure that the notice states that the application is on file in the office of the clerk of the municipal corporation or township and is available for inspection by the public during regular business hours. The legislative authority also shall indicate in the notice the date and time of any public hearing to be held regarding the application by the legislative authority.

Not earlier than thirty but not later than sixty days after the initial publication of notice, the legislative authority shall approve or disapprove the application by either ordinance or resolution, as applicable. Approval of an application requires an affirmative vote of a majority of the legislative authority. Upon approval of the application by the legislative authority, the territory described in the application constitutes an outdoor refreshment area. The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the approval of the application and a description of the area specified in the application. If the legislative authority disapproves the application, the executive officer of a municipal corporation or fiscal officer of a township may make changes in the application to secure its approval by the legislative authority.

(D) The creation of outdoor refreshment areas is limited as follows:

(1) A municipal corporation or township with a population of more than fifty thousand shall not create more than four outdoor refreshment areas.

(2) A municipal corporation or township with a population of more than thirty-five thousand but less than or equal to fifty thousand shall not create more than two outdoor refreshment areas.

(3)(a) Except as provided in division (D)(3)(b) of this section, a municipal corporation or township with a population of thirty-five thousand

or less shall not create an outdoor refreshment area.

(b) A municipal corporation or township with a population of thirty-five thousand or less may create one outdoor refreshment area if the proposed area will include at least four qualified permit holders and be composed of one hundred fifty or fewer contiguous acres.

For purposes of this section, the population of a municipal corporation or township is deemed to be the population shown by the most recent regular federal decennial census.

(E) As soon as possible after receiving notice that an outdoor refreshment area has been approved, the division of liquor control, for purposes of section 4301.62 of the Revised Code, shall issue an outdoor refreshment area designation to each qualified permit holder located within the refreshment area that is in compliance with all applicable requirements under Chapters 4301. and 4303. of the Revised Code. The division shall not charge any fee for the issuance of the designation. Any permit holder that receives such a designation shall comply with all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area under division (F) of this section.

(F)(1) At the time of the creation of an outdoor refreshment area, the legislative authority of a municipal corporation or township in which such an area is located shall adopt an ordinance or resolution, as applicable, that establishes requirements the legislative authority determines necessary to ensure public health and safety within the area. The legislative authority shall include in the ordinance or resolution all of the following:

- (a) The specific boundaries of the area, including street addresses;
- (b) The number, spacing, and type of signage designating the area;
- (c) The hours of operation for the area;
- (d) The number of personnel needed to ensure public safety in the area;
- (e) A sanitation plan that will help maintain the appearance and public health of the area;
- (f) The number of personnel needed to execute the sanitation plan;
- (g) A requirement that beer and intoxicating liquor be served solely in plastic bottles or other ~~plastic~~ non-glass containers in the area.

The legislative authority may, but is not required to, include in the ordinance or resolution any public health and safety requirements proposed in an application under division (B) of this section to designate or expand the outdoor refreshment area. The legislative authority may subsequently modify the public health and safety requirements as determined necessary by the legislative authority.

(2) Prior to adopting an ordinance or resolution under this division, the

legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

(3) The legislative authority shall provide to the division of liquor control and the investigative unit of the department of public safety notice of the public health and safety requirements established or modified under this division.

(G) If an outdoor refreshment area has been created in accordance with this section, the holder of an F class permit that sponsors an event located in the outdoor refreshment area may apply to the division for issuance of an outdoor refreshment area designation. The division shall issue such a designation if the division determines that the permit holder is in compliance with all applicable requirements established under this chapter and Chapter 4303. of the Revised Code. An F class permit holder that receives a designation under this division shall do both of the following:

(1) Comply with all laws, rules, and regulations that govern its type of permit, and the applicable public health and safety requirements established for the outdoor refreshment area under division (F) of this section;

(2) Not block ingress or egress to the outdoor refreshment area or any other liquor permit premises located within the area.

(H) Section 4399.18 of the Revised Code applies to a liquor permit holder located within an outdoor refreshment area in the same manner as if the liquor permit holder were not located in an outdoor refreshment area.

(I)(1) Five years after the date of creation of an outdoor refreshment area, the legislative authority of the municipal corporation or township that created the area under this section shall review the operation of the area and shall, by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code.

If the legislative authority dissolves the outdoor refreshment area, the outdoor refreshment area ceases to exist. The legislative authority then shall provide notice of its action to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders within the dissolved area. If the legislative authority approves the continued operation of the outdoor refreshment area, the area continues in operation.

(2) Five years after the approval of the continued operation of an

outdoor refreshment area under division (I)(1) of this section, the legislative authority shall conduct a review in the same manner as provided in division (I)(1) of this section. The legislative authority also shall conduct such a review five years after any subsequent approval of continued operation under division (I)(2) of this section.

(J) At any time, the legislative authority of a municipal corporation or township in which an outdoor refreshment area is located may, by ordinance or resolution, dissolve all or a part of the outdoor refreshment area. Prior to adopting the resolution or ordinance, the legislative authority shall give notice of its proposed action by publication in one newspaper of general circulation in the municipal corporation or township or as provided in section 7.16 of the Revised Code. If the legislative authority dissolves all or part of an outdoor refreshment area, the area designated in the ordinance or resolution no longer constitutes an outdoor refreshment area. The legislative authority shall provide notice of its actions to the division of liquor control and the investigative unit of the department of public safety. Upon receipt of the notice, the division shall revoke all outdoor refreshment area designations issued to qualified permit holders or the holder of an F class permit within the dissolved area or portion of the area.

Sec. 4303.03. (A) Subject to division (B) of this section, permit A-2 may be issued to a manufacturer to manufacture wine from grapes, fruits, or other agricultural products; to import and purchase wine in bond for blending purposes, the total amount of wine so imported during the year covered by the permit not to exceed forty per cent of all the wine manufactured and imported; to manufacture, purchase, and import brandy for fortifying purposes; and to sell those products either in glass or container for consumption on the premises where manufactured, in sealed containers for consumption off the premises where manufactured, and to wholesale permit holders under the rules adopted by the division of liquor control.

(B)(1) The holder of an A-2 permit shall not sell directly to a retailer. In order to make sales to a retailer, the manufacturer shall obtain a B-2a permit or make the sale directly to a B-2 or B-5 permit holder for subsequent resale to a retailer.

(2) The holder of an A-2 permit shall not sell directly to a consumer unless the product is sold on the premises in accordance with division (A) of this section. In order to make sales to a consumer off the premises where the wine is manufactured, the manufacturer shall obtain an § S-1 or S-2 permit.

(3) Nothing in this chapter prohibits an A-2 permit holder from also holding a B-2a, S-1, or § S-2 permit.

(C) The fee for this permit is seventy-six dollars for each plant to which

this permit is issued.

Sec. 4303.031. (A) Subject to divisions (B) and (C) of this section, permit A-2f may be issued to a manufacturer to do all of the following:

(1) Manufacture wine from grapes, fruits, or other agricultural products;

(2) Import and purchase wine in bond for blending purposes. The total amount of wine imported for blending purposes during any year covered by the permit shall not exceed forty per cent of all the wine manufactured and imported.

(3) Manufacture, purchase, and import brandy for fortifying purposes;

(4) Sell products produced under divisions (A)(1) to (3) of this section either in glass or container for consumption on the premises where manufactured, in sealed containers for consumption off the premises where manufactured, and to wholesale permit holders under the rules adopted by the division of liquor control.

(B) The division may issue permit A-2f to a manufacturer only if both of the following apply:

(1) The manufacturer grows grapes, fruits, or other agricultural products on property owned by the manufacturer that is classified as land devoted exclusively to agricultural use in accordance with section 5713.31 of the Revised Code.

(2) The manufacturer processes the grapes, fruits, or other agricultural products specified in division (B)(1) of this section into wine and sells the wine as authorized in this section.

(C)(1) The holder of an A-2f permit shall not sell directly to a retailer. In order to make sales to a retailer, the manufacturer shall obtain a B-2a permit or make the sale directly to a B-2 or B-5 permit holder for subsequent resale to a retailer.

(2) The holder of an A-2f permit shall not sell directly to a consumer unless the product is sold on the premises in accordance with division (A) of this section. In order to make sales to a consumer off the premises where the wine is manufactured, the manufacturer shall obtain an § S-1 or § S-2 permit.

(3) Nothing in this chapter prohibits an A-2f permit holder from also holding a B-2a, § S-1, or § S-2 permit.

(D) The fee for this permit is seventy-six dollars for each plant to which this permit is issued.

(E) The A-2f permit shall be known as the "Ohio Farm Winery Permit."

Sec. 4303.071. (A)(1) ~~Permit~~ The division of liquor control may issue a B-2a may be issued permit to a person that is ~~the brand owner or United States importer of wine, is the designated agent of a brand owner or importer for all wine sold in this state for that owner or importer, or~~

manufactures wine ~~if such manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than two hundred fifty thousand gallons of wine per year.~~ If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of intoxicating liquor by the appropriate authority of the state in which the person resides ~~or~~ and by the alcohol and tobacco tax and trade bureau in the United States department of the treasury.

(2) The fee for the B-2a permit is twenty-five dollars.

(3) The holder of a B-2a permit may sell wine to a retail permit holder; ~~but.~~ However, a B-2a permit holder that is a wine manufacturer may sell to a retail permit holder only wine that the B-2a permit holder has manufactured and for which a territory designation has not been filed in this state.

(4) The holder of a B-2a permit shall renew the permit in accordance with section 4303.271 of the Revised Code, except that renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(B) The holder of a B-2a permit shall collect and pay the taxes relating to the delivery of wine to a retailer that are levied under sections 4301.421 and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(C) The holder of a B-2a permit shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

Sec. 4303.17. (A)(1) Permit D-4 may be issued to a club that has been in existence for three years or more prior to the issuance of the permit to sell beer and any intoxicating liquor to its members only, in glass or container, for consumption on the premises where sold. The fee for this permit is four hundred sixty-nine dollars.

No D-4 permit shall be granted or retained until all elected officers of the organization controlling the club have filed with the division of liquor control a statement, ~~signed under oath,~~ certifying that the club is operated in the interest of the membership of a reputable organization, which is maintained by a dues paying membership, and setting forth the amount of initiation fee and yearly dues.

The roster of membership of a D-4 permit holder shall be submitted ~~under oath on~~ at the request of the superintendent of liquor control. Any information acquired by the superintendent or the division with respect to that membership shall not be open to public inspection or examination and may be divulged by the superintendent and the division only in hearings before the liquor control commission or in a court action in which the division or the superintendent is named a party.

(2) The requirement that a club shall have been in existence for three years in order to qualify for a D-4 permit does not apply to units of organizations chartered by congress or to a subsidiary unit of a national fraternal organization if the parent organization has been in existence for three years or more at the time application for a permit is made by that unit.

(B) No rule or order of the division or commission shall prohibit a charitable organization that holds a D-4 permit from selling or serving beer or intoxicating liquor under its permit in a portion of its premises merely because that portion of its premises is used ~~at other times~~ for the conduct of a bingo game as described in division (O)(1) of section 2915.01 of the Revised Code. ~~However, such an organization shall not sell or serve beer or intoxicating liquor or permit beer or intoxicating liquor to be consumed or seen in the same location in its premises where a bingo game as described in division (O)(1) of section 2915.01 of the Revised Code is being conducted while the game is being conducted.~~ As used in this division, "charitable organization" has the same meaning as in division (H) of section 2915.01 of the Revised Code.

(C) Notwithstanding any contrary provision of sections 4301.32 to 4301.41, division (C)(1) of section 4303.29, and section 4305.14 of the Revised Code, the holder of a D-4 permit may transfer the location of the permit and sell beer and wine at the new location if that location is in an election precinct in which the sale of beer and wine, but not spirituous liquor, otherwise is permitted by law.

Sec. 4303.185. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor.

(2) "Personal consumer" means an individual who is at least twenty-one years of age and intends to use a purchased alcoholic beverage for personal consumption only and not for resale or other commercial purposes.

(3) "Qualified permit holder" has the same meaning as in section 4301.82 of the Revised Code and also includes an A-3a permit holder.

(B)(1) In addition to any other sales authorized by a qualified permit holder's permit, a qualified permit holder may sell alcoholic beverages by the individual drink in sealed, closed containers to a personal consumer for off-premises consumption, including via delivery to the location of the personal consumer.

(2) If a qualified permit holder sells a mixed beverage under division (B)(1) of this section, the mixed beverage shall not contain an amount that exceeds the amount contained in a standard mixed beverage sold by the qualified permit holder for on-premises consumption.

(3) A qualified permit holder may only sell alcoholic beverages under division (B)(1) of this section if the permit holder also sells a meal with the alcoholic beverages.

~~(3)~~(4) A qualified permit holder shall not sell more than three alcoholic beverages per meal to any individual under division (B)(1) of this section.

(C)(1) A qualified permit holder may only sell types of alcoholic beverages under division (B) of this section that the qualified permit holder is otherwise authorized to sell under the qualified permit holder's permit.

(2) Prior to delivering an alcoholic beverage to a personal consumer under this section, a qualified permit holder, or an employee of the qualified permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age.

(3) A qualified permit holder may use an H permit holder to make deliveries authorized under this section.

Sec. 4303.2010. (A) As used in this section:

(1) "Farmers market" means a farmers market registered with the director of agriculture under section 3717.221 of the Revised Code. "Farmers market" does not include a for-profit farmers market, a farmers market located at a rest area within the limits of the right-of-way of an interstate highway, a farmers market located at a service facility as defined in Chapter 5537. of the Revised Code that is along the Ohio turnpike, or a farmers market with fewer than five farmers market participants.

(2) "A-2 permit holder" means an A-2 permit holder that produces less than two hundred and fifty thousand gallons of wine per year.

(B) The division of liquor control may issue an F-10 permit to a person who organizes a farmers market. Pursuant to the permit, the F-10 permit holder may allow a farmers market participant that is an A-2, S-1, or S-2 permit holder ~~or S permit holder~~ to do the following at the location of the farmers market:

(1) Sell tasting samples of wine manufactured by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~ for consumption on the premises where the farmers market is located;

(2) Sell wine manufactured by the A-2, S-1, or S-2 permit holder ~~or S permit holder~~ in sealed containers for consumption off the premises where the farmers market is located.

(C) An applicant for an F-10 permit shall submit an application for the permit to the division of liquor control. The application shall include the location of the farmers market that is the subject of the application.

(D) The premises of the farmers market for which the F-10 permit is issued shall be clearly defined and sufficiently restricted to allow proper

enforcement of the permit by state and local law enforcement officers. If an F-10 permit is issued for all or a portion of the same premises for which another class of permit is issued, the division of liquor control shall suspend that permit holder's privileges in that portion of the premises in which the F-10 permit is in effect.

(E) No ~~A-2, S-1, or S-2~~ permit holder ~~or S permit holder~~ shall do any of the following at a farmers market for which an F-10 permit has been issued:

(1) Sell a tasting sample in an amount that exceeds one ounce;

(2) Sell more than one sample of each wine offered for sale to any one person;

(3) Sell more than five varieties of wine as tasting samples per day;

(4) Sell a variety of wine that is offered for distribution by a wholesale distributor in any state. Division (E)(4) of this section does not apply to a variety of wine solely distributed by the ~~A-2, S-1, or S-2~~ permit holder ~~or S permit holder~~.

(5) Sell more than four and one-half liters of wine per household for off-premises consumption under division (B)(2) of this section;

(6) Allow any person other than the ~~A-2, S-1, or S-2~~ permit holder ~~or S permit holder~~, a member of the applicable permit holder's family, or an employee of the applicable permit holder to sell wine.

(F) The F-10 permit is effective for nine months. The permit is not renewable. However, a person who organizes a farmers market may re-apply for a new permit. The fee for the F-10 permit is one hundred dollars.

(G) An ~~A-2, S-1, or S-2~~ permit holder ~~or S permit holder~~ shall not conduct the activities described in division (B) of this section unless the sale of wine for consumption on the premises and the sale of wine for consumption off the premises is authorized in the election precinct in which the farmers market that is the subject of the F-10 permit is located.

(H) No F-10 permit holder shall allow more than four A-2 permit holders, four ~~S-1~~ permit holders, ~~four S-2 permit holders~~, or a combination of four ~~A-2, S-1, and S-2~~ permit holders ~~and S permit holders~~ per day to conduct the activities described in division (B) of this section on the premises of the applicable farmers market.

Sec. 4303.232. (A)(1) ~~Permit S may be issued~~ The division of liquor control may issue an S-1 permit to a person that ~~is the brand owner or United States importer of beer or wine, is the designated agent of a brand owner or importer for all beer or wine sold in this state for that owner or importer, or manufactures wine if the manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces beer or~~ less than two hundred fifty

thousand gallons of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides ~~or~~ and by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) The fee for the ~~§ S-1~~ permit is twenty-five dollars.

(3) ~~The holder of an S~~ An S-1 permit holder may sell beer or wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only beer or wine that the permit holder has manufactured to a personal consumer.

(4) ~~The holder of an S~~ An S-1 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(5) The division of ~~liquor control~~ may refuse to renew an ~~§ S-1~~ permit for any of the reasons specified in section 4303.292 of the Revised Code or if the holder of the permit fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (B) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(B)(1) ~~The holder of an S~~ An S-1 permit holder who sells wine shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(2) ~~The holder of an S~~ An S-1 permit holder who sells beer shall collect and pay the taxes relating to the delivery of beer to a personal consumer that are levied under sections 4301.42 and 4301.421 and Chapters 4305., 4307., 5739., and 5741. of the Revised Code.

(C)(1) ~~The holder of an S~~ An S-1 permit holder shall send a shipment of beer or wine that has been paid for by a personal consumer to that personal consumer via ~~the holder of an H~~ permit holder. Prior to sending a shipment of beer or wine to a personal consumer, ~~the holder of an S S-1~~ permit holder, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of beer or wine shall be shipped in a package that clearly ~~has written on it in bold print the words "alcohol enclosed."~~ states that it contains alcohol. No

person shall fail to comply with division (C)(1) of this section.

(2) Upon delivering a shipment of beer or wine to a personal consumer, ~~the holder of the~~ an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) ~~The holder of an S~~ An S-1 permit holder shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the ~~S~~ S-1 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine from the ~~S~~ S-1 permit holder in accordance with this section, the quantity of beer or wine purchased by each personal consumer, and any other information requested by the division. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the ~~S~~ S-1 permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the beer or wine that has been purchased by the personal consumer.

(D) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use beer or wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(E) ~~The holder of an S~~ An S-1 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

Sec. 4303.233. (A) As used in this section, "personal consumer" means an individual who is at least twenty-one years of age, is a resident of this state, does not hold a permit issued under this chapter, and intends to use wine purchased in accordance with this section for personal consumption only and not for resale or other commercial purposes.

(B)(1) The division of liquor control may issue an S-2 permit to a person that manufactures two hundred fifty thousand gallons or more of

wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides and by the alcohol and tobacco tax and trade bureau of the United States department of the treasury.

(2) An S-2 permit holder may sell wine to a personal consumer by receiving and filling orders that the personal consumer submits to the permit holder. The permit holder shall sell only wine that the permit holder has manufactured to a personal consumer. An S-2 permit holder may use a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine to a personal consumer. A fulfillment warehouse is an agent of an S-2 permit holder and an S-2 permit holder is liable for violations of this chapter and Chapter 4301. of the Revised Code that are committed by the fulfillment warehouse regarding wine shipped on behalf of the S-2 permit holder.

(C) An S-2 permit holder shall collect and pay the taxes relating to the delivery of wine to a personal consumer that are levied under sections 4301.421, 4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised Code.

(D)(1) An S-2 permit holder shall send a shipment of wine that has been paid for by a personal consumer to that personal consumer via an H permit holder. Prior to sending a shipment of wine to a personal consumer, the S-2 permit holder, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of wine shall be shipped in a package that clearly states that it contains alcohol. No person shall fail to comply with division (D)(1) of this section.

(2) Upon delivering a shipment of wine to a personal consumer, an H permit holder, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code.

(3) An S-2 permit holder shall keep a record of each shipment of wine that the permit holder sends to a personal consumer. The records shall be used for all of the following:

(a) To provide a copy of each wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section and any other information required by the tax commissioner.

(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased wine from the S-2 permit holder in accordance with this section, the quantity of wine purchased by each personal consumer, and any other information requested by the division. If the S-2 permit holder uses a fulfillment warehouse registered under section 4303.234 of the Revised Code to send a shipment of wine on behalf of the S-2 permit holder, the S-2 permit holder need not include the personal consumer information for that shipment in the report. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the S-2 permit holder must use to submit the report.

(c) To notify a personal consumer of any health or welfare recalls of the wine that has been purchased by the personal consumer.

(E) An S-2 permit holder shall comply with this chapter, Chapter 4301. of the Revised Code, and any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(F)(1) An S-2 permit holder shall renew the permit in accordance with section 4303.271 of the Revised Code, except that the renewal shall not be subject to the notice and hearing requirements established in division (B) of that section.

(2) The division may refuse to renew an S-2 permit for any of the reasons specified in section 4303.292 of the Revised Code or if the permit holder fails to do any of the following:

(a) Collect and pay all applicable taxes specified in division (C) of this section;

(b) Pay the permit fee;

(c) Comply with this section or any rules adopted by the liquor control commission under section 4301.03 of the Revised Code.

(G) The initial fee for the S-2 permit is two hundred fifty dollars. The renewal fee for the S-2 permit is one hundred dollars.

Sec. 4303.234. (A) As used in this section:

(1) "Fulfillment warehouse" means a person that operates a warehouse that is located outside this state and has entered into a written agreement with an S-2 permit holder to fulfill orders of the S-2 permit holder's wine to personal consumers via delivery by an H permit holder.

(2) "Personal consumer" has the same meaning as in section 4303.233 of the Revised Code.

(B) A fulfillment warehouse may send a shipment of wine sold by an S-2 permit holder to a personal consumer via an H permit holder. A

fulfillment warehouse shall provide annually in electronic format by electronic means a report to the division not later than March first. The annual report shall include all of the following:

(1) The name and address of the fulfillment warehouse. The fulfillment warehouse shall include the address of each location owned or operated by the fulfillment warehouse that is used to ship wine to personal consumers in this state.

(2) The name and address of each S-2 liquor permit holder with which the fulfillment warehouse has entered into an agreement;

(3) The name and address of each personal consumer that the fulfillment warehouse sends wine to and the quantity of wine purchased by the personal consumer;

(4) The shipping tracking number provided by the H permit holder for each shipment of wine delivered to a personal consumer. The division shall prescribe and provide an electronic form for the report and shall determine the specific electronic means that the fulfillment warehouse must use to submit the report.

(E) The division may adopt rules in accordance with Chapter 119. of the Revised Code necessary to administer and enforce this section.

Sec. ~~4303.234~~ 4303.235. All B-2a, S-1, and S-2 permit holders and fulfillment warehouses, as defined in section 4303.234 of the Revised Code, are subject to the following:

(A) Audit by the division of liquor control or the department of taxation;

(B) Jurisdiction of the liquor control commission, the division of liquor control, the department of taxation, the department of public safety, and the courts of this state; and

(C) The statutes and rules of this state.

Sec. ~~4303.233~~ 4303.236. (A) No family household shall purchase more than twenty-four cases of twelve bottles of seven hundred fifty milliliters of wine in one year.

(B)(1) Except as provided in sections 4303.185 and 4303.27 of the Revised Code, no person shall knowingly send or transport a shipment of wine to a personal consumer, as defined in section 4303.233 of the Revised Code, without an S-1 or S-2 permit or registering as a fulfillment warehouse under section 4303.234 of the Revised Code. This division does not apply to an H permit holder.

(2) Except as provided in sections 4303.185 and 4303.27 of the Revised Code, no person shall knowingly send or transport a shipment of beer to a personal consumer, as defined in section 4303.232 of the Revised Code, without an S-1 permit. This division does not apply to an H permit holder.

(C) A person that is not a beer or wine manufacturer, including the holder of any retail permit in this state or outside of this state, shall not obtain or attempt to obtain a B-2a, S-1, or S-2 permit.

Sec. 4303.237. (A) As used in this section:

(1) "Container" means a can, bottle, or box of beer, wine, or mixed beverage that is sealed by the manufacturer of the beer, wine, or mixed beverage.

(2) "Repackaging" means the process by which containers of beer, wine, and mixed beverages are rebundled into new configurations of those containers or with other promotional merchandise.

(B) The division of liquor control may issue an R permit to either of the following:

(1) A manufacturer or supplier of beer, wine, or mixed beverages for purposes of repackaging the beer, wine, or mixed beverages; or

(2) An entity operating under a written authorization from the manufacturer or supplier to operate a repackaging facility for the repackaging of beer, wine, or mixed beverages.

(B) An R permit holder may only deliver beer, wine, or mixed beverages that the permit holder repackages to the following:

(1) The manufacturer or supplier that supplied the beer, wine, or mixed beverages to the R permit holder for repackaging purposes;

(2) A B permit holder that is authorized by the beer, wine, or mixed beverages manufacturer or supplier to sell or distribute the repackaged beer, wine, or mixed beverages in this state;

(3) An entity outside this state if so authorized by the beer, wine, or mixed beverages manufacturer or supplier.

(C) An R permit holder shall ensure both of the following:

(1) That beer, wine, or mixed beverages repackaged and delivered to a B permit holder pursuant to division (B) of this section has been registered with the division of liquor control under division (A)(8)(b) of section 4301.10 of the Revised Code; and

(2) That a territory designation form has been filed with the division for the beer, wine, or mixed beverages.

(D) An R permit holder shall not deliver to a B permit holder more repackaged beer, wine, or mixed beverages than the B permit holder specifically ordered.

The title to beer, wine, or mixed beverages in the possession of an R permit holder shall remain with the beer, wine, or mixed beverages manufacturer or supplier for whom it is being repackaged.

(E) The liquor control commission shall revoke an R permit if the R

permit holder possesses or delivers beer, wine, or mixed beverages in violation of this section.

(F) An R permit holder shall not have any financial interest in any other permit authorized under Chapter 4303. of the Revised Code, except that a manufacturer may hold a manufacturing permit.

(G) The fee for the R permit is seven hundred fifty dollars for each location.

Sec. 4303.26. (A) Applications for regular permits authorized by sections 4303.02 to 4303.23 of the Revised Code may be filed with the division of liquor control. No permit shall be issued by the division until fifteen days after the application for it is filed. An applicant for the issuance of a new permit shall pay a processing fee of one hundred dollars when filing application for the permit, if the permit is then available, or shall pay the processing fee when a permit becomes available, if it is not available when the applicant initially files the application. When an application for a new class C or D permit is filed, when class C or D permits become available, or when an application for transfer of ownership of a class C or D permit or transfer of a location of a class C or D permit is filed, no permit shall be issued, nor shall the location or the ownership of a permit be transferred, by the division until the division notifies the legislative authority of the municipal corporation if the business or event is or is to be located within the corporate limits of a municipal corporation, or the clerk of the board of county commissioners and the fiscal officer of the board of township trustees in the county in which the business or event is or is to be conducted if the business is or is to be located outside the corporate limits of a municipal corporation, and an opportunity is provided officials or employees of the municipal corporation or county and township, who shall be designated by the legislative authority or the board of county commissioners or board of township trustees, for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing, no objection to the issuance, transfer of ownership, or transfer of location of the permit shall be based upon noncompliance of the proposed permit premises with local zoning regulations which prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division.

When the division sends notice to the legislative or executive authority of the political subdivision, as required by this section, the division shall also so notify, by certified mail, return receipt requested, or by personal service, the chief peace officer of the political subdivision. Upon the request

of the chief peace officer, the division shall send the chief peace officer a copy of the application for the issuance or the transfer of ownership or location of the permit and all other documents or materials filed by the applicant or applicants in relation to the application. The chief peace officer may appear and testify, either in person or through a representative, at any hearing held on the advisability of the issuance, transfer of ownership, or transfer of location of the permit. The hearing shall be held in the central office of the division, except that upon written request of the legislative authority of the municipal corporation or the board of county commissioners or board of township trustees, the hearing shall be held in the county seat of the county where the applicant's business is or is to be conducted.

If the business or event specified in an application for the issuance, transfer of ownership, or transfer of location of any regular permit authorized by sections 4303.02 to 4303.23 of the Revised Code, except for an F-2 permit, is, or is to be operated, within five hundred feet from the boundaries of a parcel of real estate having situated on it a school, church, library, public playground, or township park, no permit shall be issued, nor shall the location or the ownership of a permit be transferred, by the division until written notice of the filing of the application with the division is served, by certified mail, return receipt requested, or by personal service, upon the authorities in control of the school, church, library, public playground, or township park and an opportunity is provided them for a complete hearing upon the advisability of the issuance, transfer of ownership, or transfer of location of the permit. In this hearing, no objection to the issuance, transfer of ownership, or transfer of location of the permit shall be based upon the noncompliance of the proposed permit premises with local zoning regulations which prohibit the sale of beer or intoxicating liquor, in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. Upon the written request of any of these authorities, the hearing shall be held in the county seat of the county where the applicant's business is or is to be conducted.

A request for any hearing authorized by this section shall be made no later than thirty days from the time of notification by the division. This thirty-day period begins on the date the division mails notice to the legislative authority or the date on which the division mails notice to or, by personal service, serves notice upon, the institution. The division shall conduct a hearing if the request for the hearing is postmarked by the deadline date. The division may allow, upon cause shown by the requesting legislative authority or board, an extension of thirty additional days for the

legislative authority of the municipal corporation, board of township trustees of the township, or board of county commissioners of the county in which a permit premises is or is to be located to object to the issuance, transfer of ownership, or transfer of location of a permit. The request for the extension shall be made by the legislative authority or board to the division no later than thirty days after the time of notification by the division.

(B) When an application for transfer of ownership of a permit is filed with the division, the division shall give notice of the application to the tax commissioner. Within twenty days after receiving this notification, the commissioner shall notify the division of liquor control and the proposed transferee of the permit if the permit holder owes to this state any delinquent horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, petroleum activity taxes, sales or use taxes, cigarette taxes, other tobacco product taxes, income taxes withheld from employee compensation, commercial activity taxes, ~~or gross casino revenue taxes, or gross receipts taxes levied pursuant to section 5739.101 of the Revised Code,~~ or has failed to file any corresponding returns or submit any information required by the commissioner, as required for such taxes, to the extent that any delinquent payment or return, or any failure to submit information, is known to the department of taxation at the time of the application. The division shall not transfer ownership of the permit until payments known to be delinquent are resolved, returns known to be delinquent are filed, and any information required by the commissioner has been provided. As used in this division, "resolved" means that the delinquent payment has been paid in full or an amount sufficient to satisfy the delinquent payment is in escrow for the benefit of the state. The commissioner shall notify the division of the resolution. After the division has received the notification from the commissioner, the division may proceed to transfer ownership of the permit. Nothing in this division shall be construed to affect or limit the responsibilities or liabilities of the transferor or the transferee imposed by Chapter 3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 5747., 5751., or 5753. of the Revised Code.

(C) No F or F-2 permit shall be issued for an event until the applicant has, by means of a form that the division shall provide to the applicant, notified the chief peace officer of the political subdivision in which the event will be conducted of the date, time, place, and duration of the event.

(D) The division of liquor control shall notify an applicant for a permit authorized by sections 4303.02 to 4303.23 of the Revised Code of an action pending or judgment entered against a liquor permit premises, of which the division has knowledge, pursuant to section 3767.03 or 3767.05 of the

Revised Code if the applicant is applying for a permit at the location of the premises that is the subject of the action under section 3767.03 or judgment under section 3767.05 of the Revised Code.

Sec. 4303.271. (A) Except as provided in divisions (B) and (D) of this section, the holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code, who files an application for the renewal of the same class of permit for the same premises, shall be entitled to the renewal of the permit. The division of liquor control shall renew the permit unless the division rejects for good cause any renewal application, subject to the right of the applicant to appeal the rejection to the liquor control commission.

(B) The legislative authority of the municipal corporation, the board of township trustees, or the board of county commissioners of the county in which a permit premises is located may object to the renewal of a permit issued under sections 4303.11 to 4303.183 of the Revised Code for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Any objection shall be made no later than thirty days prior to the expiration of the permit, and the division shall accept the objection if it is postmarked no later than thirty days prior to the expiration of the permit. The objection shall be made by a resolution specifying the reasons for objecting to the renewal and requesting a hearing, but no objection shall be based upon noncompliance of the permit premises with local zoning regulations that prohibit the sale of beer or intoxicating liquor in an area zoned for commercial or industrial uses, for a permit premises that would otherwise qualify for a proper permit issued by the division. The resolution shall be accompanied by a statement by the chief legal officer of the political subdivision that, in the chief legal officer's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of section 4303.292 of the Revised Code.

Upon receipt of a resolution of a legislative authority or board objecting to the renewal of a permit and a statement from the chief legal officer, the division shall set a time for the hearing and send by certified mail to the permit holder, at the permit holder's usual place of business, a copy of the resolution and notice of the hearing. The division shall then hold a hearing in the central office of the division, except that, upon written request of the legislative authority or board, the hearing shall be held in the county seat of the county in which the permit premises is located, to determine whether the renewal shall be denied for any of the reasons contained in division (A) of section 4303.292 of the Revised Code. Only the reasons for refusal contained in division (A) of section 4303.292 of the Revised Code and specified in the resolution of objection shall be considered at the hearing.

The permit holder and the objecting legislative authority or board shall be parties to the proceedings under this section and shall have the right to be present, to be represented by counsel, to offer evidence, to require the attendance of witnesses, and to cross-examine witnesses at the hearing.

(C) An application for renewal of a permit shall be filed with the division at least fifteen days prior to the expiration of an existing permit, and the existing permit shall continue in effect as provided in section 119.06 of the Revised Code until the application is approved or rejected by the division. Any holder of a permit, which has expired through failure to be renewed as provided in this section, shall obtain a renewal of the permit, upon filing an application for renewal with the division, at any time within thirty days from the date of the expired permit. A penalty of ten per cent of the permit fee shall be paid by the permit holder if the application for renewal is not filed at least fifteen days prior to the expiration of the permit.

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the department of taxation's records for the horse-racing, alcoholic beverage, motor fuel, petroleum activity, sales or use, cigarette, other tobacco products, employer withholding, commercial activity, and gross casino revenue tax records in the department of taxation and gross receipts taxes levied pursuant to section 5739.101 of the Revised Code for each holder of a permit issued under sections 4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to determine if the permit holder is delinquent in filing any returns, submitting any information required by the commissioner, or remitting any payments with respect to those taxes or any fees, charges, penalties, or interest related to those taxes.

If any delinquency or liability exists, the commissioner shall send a notice of that fact by certified mail, return receipt requested, to the permit holder at the mailing address shown in the records of the department. The notice shall specify, in as much detail as is possible, the periods for which returns have not been filed and the nature and amount of unpaid assessments and other liabilities and shall be sent on or before the first day of the third month preceding the month in which the permit expires. The commissioner also shall notify the division of liquor control of the delinquency or liability, identifying the permit holder by name and permit number.

(2)(a) Except as provided in division (D)(4) of this section, the division of liquor control shall not renew the permit of any permit holder the tax commissioner has identified as being delinquent in filing any returns, providing any information, or remitting any payments with respect to the taxes listed in division (D)(1) of this section as of the first day of the sixth month preceding the month in which the permit expires, or of any permit

holder the commissioner has identified as having been assessed by the department on or before the first day of the third month preceding the month in which the permit expires, until the division is notified by the commissioner that the delinquency, liability, or assessment has been resolved.

(b)(i) Within ninety days after the date on which the permit expires, any permit holder whose permit is not renewed under this division may file an appeal with the liquor control commission. The commission shall notify the tax commissioner regarding the filing of any such appeal. During the period in which the appeal is pending, the permit shall not be renewed by the division. The permit shall be reinstated if the permit holder and the commissioner or the attorney general demonstrate to the liquor control commission that the commissioner's notification of a delinquency or assessment was in error or that the issue of the delinquency or assessment has been resolved.

(ii) A permit holder who has filed an appeal under division (D)(2)(b)(i) of this section may file a motion to withdraw the appeal. The division of liquor control may renew a permit holder's permit if the permit holder has withdrawn such an appeal and the division receives written certification from the tax commissioner that the permit holder's delinquency or assessment has been resolved.

(3) A permit holder notified of delinquency or liability under this section may protest the notification to the tax commissioner on the basis that no return or information is delinquent and no tax, fee, charge, penalty, or interest is outstanding. The commissioner shall expeditiously consider any evidence submitted by the permit holder and, if it is determined that the notification was in error, immediately shall inform the division of liquor control that the renewal application may be granted. The renewal shall not be denied if the delinquency or unreported liability is the subject of a bona fide dispute as to the validity of the delinquency or unreported liability and is the subject of an assessment and of an appeal properly filed by the permit holder.

(4) If the commissioner concludes that under the circumstances the permit holder's delinquency or liability has been conditionally resolved, the commissioner shall allow the permit to be renewed, conditioned upon the permit holder's continuing performance in satisfying the delinquency and liability. The conditional nature of the renewal shall be specified in the notification given to the division of liquor control under division (D)(1) of this section. Upon receipt of notice of the resolution, the division shall issue a conditional renewal. If the taxpayer defaults on any agreement to pay the

delinquency or liability or fails to keep subsequent tax or fee payments current, the liquor control commission, upon request and proof of the default or failure to keep subsequent tax or fee payments current, shall indefinitely suspend the permit holder's permit until all taxes or fees and interest due are paid.

(5) The commissioner may adopt rules to assist in administering the duties imposed by this section.

Sec. 4303.33. (A) Every A-1 or A-1c permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder and importer importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States for sale or distribution for sale in this state, on or before the eighteenth day of each month, shall make and file with the tax commissioner upon a form prescribed by the tax commissioner an advance tax payment in an amount estimated to equal the taxpayer's tax liability for the month in which the advance tax payment is made. If the advance tax payment credits claimed on the report are for advance tax payments received by the tax commissioner on or before the eighteenth day of the month covered by the report, the taxpayer is entitled to an additional credit of three per cent of the advance tax payment and a discount of three per cent shall be allowed the taxpayer at the time of filing the report if filed as provided in division (B) of this section on any amount by which the tax liability reflected in the report exceeds the advance tax payment estimate by not more than ten per cent. The additional three per cent credit and three per cent discount shall be in consideration for advancing the payment of the tax and other services performed by the permit holder and other taxpayers in the collection of the tax.

"Advance tax payment credit" means credit for payments made by an A-1, A-1c, or B-1 permit holder and any other persons during the period covered by a report which was made in anticipation of the tax liability required to be reported on that report.

"Tax liability" as used in division (A) of this section means the total gross tax liability of an A-1, A-1c, or B-1 permit holder and any other persons for the period covered by a report before any allowance for credits and discount.

(B) Every A-1 or A-1c permit holder in this state, every bottler, importer, wholesale dealer, broker, producer, or manufacturer of beer outside this state and within the United States, and every B-1 permit holder importing beer from any manufacturer, bottler, person, or group of persons however organized outside the United States, and every ~~S~~ S-1 permit holder,

on or before the tenth day of each month, shall make and file a report for the preceding month upon a form prescribed by the tax commissioner which report shall show the amount of beer produced, sold, and distributed for sale in this state by the A-1 or A-1c permit holder, sold and distributed for sale in this state by each manufacturer, bottler, importer, wholesale dealer, or broker outside this state and within the United States, the amount of beer imported into this state from outside the United States and sold and distributed for sale in this state by the B-1 permit holder or importer, and the amount of beer sold in this state by the § S-1 permit holder.

The report shall be filed by mailing it to the tax commissioner, together with payment of the tax levied by sections 4301.42 and 4305.01 of the Revised Code shown to be due on the report after deduction of advance payment credits and any additional credits or discounts provided for under this section.

(C)(1) Every A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, and § S-2 permit holder in this state, on or before the eighteenth day of each month, shall make and file a report with the tax commissioner upon a form prescribed by the tax commissioner which report shall show, on the report of each A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder the amount of wine, cider, and mixed beverages produced and sold, or sold in this state by each such A-2, A-2f, A-4, B-2a, S-1, and § S-2 permit holder for the next preceding calendar month and such other information as the tax commissioner requires, and on the report of each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, cider, and mixed beverages purchased from an importer, broker, wholesale dealer, producer, or manufacturer located outside this state and sold and distributed in this state by such B-2, B-3, B-4, and B-5 permit holder, for the next preceding calendar month and such other information as the tax commissioner requires.

(2) Every such A-2, A-2f, A-4, B-2, B-2a, B-3, B-4, B-5, S-1, and § S-2 permit holder in this state shall remit with the report the tax levied by sections 4301.43 and, if applicable, 4301.432 of the Revised Code less a discount thereon of three per cent of the total tax so levied and paid, provided the return is filed together with remittance of the amount of tax shown to be due thereon, within the time prescribed. Any permit holder or other persons who fail to file a report under this section, for each day the person so fails, may be required to forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code, and that sum may be collected by assessment in the manner provided in section 4305.13

of the Revised Code.

(3) If the tax commissioner determines that the quantity reported by a person does not warrant monthly reporting, the commissioner may authorize the filing of returns and the payment of the tax required by this section for periods longer than one month.

(D) Every B-1 permit holder and importer in this state importing beer from any manufacturer, bottler, person, or group of persons however organized, outside the United States, if required by the tax commissioner shall post a bond payable to the state in such form and amount as the commissioner prescribes with surety to the satisfaction of the tax commissioner, conditioned upon the payment to the tax commissioner of taxes levied by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or distributed in this state shall be taxed more than once under sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the Revised Code, except that "wine" does not include cider.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

~~Sec. 4303.332. An A-1c permit holder in this state shall receive a credit against taxes levied in the following calendar year under sections 4301.42 and 4305.01 of the Revised Code on not more than nine million three hundred thousand gallons of beer sold or distributed in this state (A) Both of the following are exempt from the taxes levied under sections 4301.42 and 4305.01 of the Revised Code on beer sold or distributed in this state:~~

~~(1) An A-1c permit holder in this state with a total production of beer, wherever produced, that does not exceed nine million three hundred thousand gallons in a calendar year;~~

~~(2) An S-1 permit holder with a total production of beer, wherever produced, that does not exceed nine million three hundred thousand gallons in a calendar year.~~

The ~~credit~~ exemption may be claimed monthly against taxes levied under one or more of those sections as the reports required by section 4303.33 of the Revised Code are due. At the time the report for December is due for a calendar year during which a permit holder ~~is eligible to receive a credit~~ claimed an exemption under this section, if the permit holder has

~~claimed less than the credit due on nine million three hundred thousand gallons, including credit claimed on the December report paid the tax levied under sections 4301.42 and 4305.01 of the Revised Code, the permit holder may claim a refund of taxes previously reported and such tax paid under section 4303.33 of the Revised Code during the calendar year on a number of gallons equal to the difference between nine million three hundred thousand gallons and the number of gallons for which a credit has been claimed under this section or shall remit any additional tax due because the permit holder did not qualify for the exemption on the December report.~~ For the purpose of providing this refund, taxes previously paid under section 4303.33 of the Revised Code during the calendar year shall not be considered final until the December report is filed. ~~The~~

(B) The tax commissioner shall prescribe forms for and allow the credits exemptions and refunds authorized by this section.

Sec. 4303.333. (A) An A-2 or A-2f permit holder in this state or S-1 or S-2 permit holder whose total production of wine, wherever produced, which but for this exemption is taxable under section 4301.43 of the Revised Code does not exceed five hundred thousand gallons in a calendar year, shall be allowed an exemption from the taxes levied under section 4301.43 of the Revised Code on wine produced and sold or distributed in this state. The exemption may be claimed monthly against current taxes levied under such section as the reports required by section 4303.33 of the Revised Code are due. At the time the report for December is due for a calendar year during which a permit holder claimed an exemption under this section, if the permit holder has paid the tax levied under section 4301.43 of the Revised Code, the permit holder may claim a refund of such tax paid during the calendar year or shall remit any additional tax due because it did not qualify for the exemption on the December report. For the purpose of providing this refund, taxes previously paid under section 4303.33 of the Revised Code during the calendar year shall not be considered final until the December report is filed.

(B) The tax commissioner shall prescribe forms for and allow the exemptions and refunds authorized by this section.

Sec. 4303.99. (A) Whoever violates section 4303.28 of the Revised Code shall be fined not less than one thousand nor more than twenty-five hundred dollars or imprisoned not less than six months nor more than one year.

(B) Whoever violates section 4303.36 of the Revised Code shall be fined not less than twenty-five nor more than one hundred dollars.

(C) Whoever violates section 4303.37 of the Revised Code shall be

fined not less than twenty-five nor more than fifty dollars.

(D) Whoever violates division (D)(2) of section 4303.202 or division (C) of section 4303.208 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E)(1) Whoever violates division (B)(1) or (2) of section 4303.236 of the Revised Code is guilty of a misdemeanor and shall be fined not more than five hundred dollars.

(2) If a person commits a second offense within one year after committing the first offense, the person shall be fined not more than one thousand dollars.

(3) If a person commits a third or subsequent offense within one year after committing the first offense, the person shall be fined not more than five thousand dollars.

Sec. 4501.21. (A) There is hereby created in the state treasury the license plate contribution fund. The fund shall consist of all contributions for specialty license plates paid by motor vehicle registrants and collected by the registrar of motor vehicles pursuant to the Revised Code sections referenced in division (B) of this section.

(B) The registrar shall pay the contributions the registrar collects in the fund as follows:

The registrar shall pay the contributions received pursuant to section 4503.491 of the Revised Code to the breast cancer fund of Ohio, which shall use that money only to pay for programs that provide assistance and education to Ohio breast cancer patients and that improve access for such patients to quality health care and clinical trials and shall not use any of the money for abortion information, counseling, services, or other abortion-related activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.492 of the Revised Code to the organization cancer support community central Ohio, which shall deposit the money into the Sheryl L. Kraner Fund of that organization. Cancer support community central Ohio shall expend the money it receives pursuant to this division only in the same manner and for the same purposes as that organization expends other money in that fund.

The registrar shall pay the contributions received pursuant to section 4503.493 of the Revised Code to the autism society of Ohio, which shall use the contributions for programs and autism awareness efforts throughout the state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.494 of the Revised Code to the national multiple sclerosis

society for distribution in equal amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley chapters of the national multiple sclerosis society. These chapters shall use the money they receive under this section to assist in paying the expenses they incur in providing services directly to their clients.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.495 of the Revised Code to the national pancreatic cancer foundation, which shall use the money it receives under this section to assist those who suffer with pancreatic cancer and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.496 of the Revised Code to the Ohio sickle cell and health association, which shall use the contributions to help support educational, clinical, and social support services for adults who have sickle cell disease.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development

program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for scholarships and other educational activities.

The registrar shall pay the contributions received pursuant to section 4503.505 of the Revised Code to the organization Ohio region phi theta kappa, which shall use those contributions for scholarships for students who are members of that organization.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.506 of the Revised Code to Ohio demolay, which shall use the contributions for scholarships, educational programs, and any other programs or events the organization holds or sponsors in this state.

The registrar shall pay the contributions received pursuant to section 4503.508 of the Revised Code to the organization bottoms up diaper drive to provide funding for that organization for collecting and delivering diapers to parents in need.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.509 of the Revised Code to a kid again, incorporated for distribution in equal amounts to the Ohio chapters of a kid again.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that section. A university or college that receives contributions from the fund shall deposit the contributions into its general scholarship fund.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.514 of the Revised Code to the university of Notre Dame in South Bend, Indiana, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the university of Notre Dame to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.521 of the Revised Code to the Ohio bicycle federation to assist that organization in paying for the educational programs it sponsors in support of Ohio cyclists of all ages.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the Massillon tiger football booster club, which shall use the contributions only to promote and support the football team of Washington high school of the Massillon city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron ~~districts~~ district seven, eleven, twenty four, and twenty nine which shall annually distribute the contributions in equal amounts to all United States power squadrons located in the state. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.528 of the Revised Code to the Ohio children's alliance, which shall use the money it receives under this section to pay the expenses it incurs in advancing its mission of sustainably improving the provision of services to children, young adults, and families in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.529 of the Revised Code to the Ohio nurses foundation. The foundation shall use the money it receives under this section to provide educational scholarships to assist individuals who aspire to join the nursing profession, to assist nurses in the nursing profession who seek to advance their education, and to support persons conducting nursing research concerning the evidence-based practice of nursing and the improvement of patient outcomes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.552 of the Revised Code to the rock and roll hall of fame and museum, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other programs of each coalition member that provide care for unwanted, abused, and neglected horses. The Ohio coalition for animals may use a

portion of the money to pay for reasonable marketing costs incurred in the design and promotion of the license plate and for administrative costs incurred in the disbursement and management of funds received under this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.554 of the Revised Code to the Ohio state council of the knights of Columbus, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant

to section 4503.565 of the Revised Code to the conservancy for Cuyahoga valley national park, which shall use the money in support of the park.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.566 of the Revised Code to the Ottawa national wildlife refuge, which shall use the contributions for wildlife preservation purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.567 of the Revised Code to the girls on the run of Franklin county, inc., which shall use the contributions to support the activities of the organization.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.576 of the Revised Code to the Ohio state beekeepers association, which shall use those contributions to promote beekeeping, provide educational information about beekeeping, and to support other state and local beekeeping programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.577 of the Revised Code to the national aviation hall of fame, which shall use the contributions to fulfill its mission of honoring aerospace legends to inspire future leaders.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.579 of the Revised Code to the national council of negro women, incorporated, which shall use the contributions for educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.581 of the Revised Code to the Ohio sons of the American legion, which shall use the contributions to support the activities of the organization.

The registrar shall pay to a sports commission created pursuant to section 4503.591 of the Revised Code each contribution the registrar receives under that section that an applicant pays to obtain license plates that bear the logo of a professional sports team located in the county of that sports commission and that is participating in the license plate program pursuant to division (E) of that section, irrespective of the county of residence of an applicant.

The registrar shall pay to a community charity each contribution the registrar receives under section 4503.591 of the Revised Code that an applicant pays to obtain license plates that bear the logo of a professional sports team that is participating in the license plate program pursuant to division (G) of that section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.592 of the Revised Code to pollinator partnership's monarch

wings across Ohio program, which shall use the contributions for the protection and preservation of the monarch butterfly and pollinator corridor in Ohio and for educational programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.594 of the Revised Code to pelotonia, which shall use the contributions for the purpose of supporting cancer research.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.595 of the Revised Code to the Stan Hywet hall and gardens.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.596 of the Revised Code to the Cuyahoga valley scenic railroad.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the girl scouts of Ohio's heartland. The girl scouts of Ohio's heartland shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.70 of the Revised Code to the charitable foundation of the grand lodge of Ohio, f. & a. m., which shall use the contributions for scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.701 of the Revised Code to the Prince Hall grand lodge of free and accepted masons of Ohio, which shall use the contributions for scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.702 of the Revised Code to the Ohio Association of the Improved Benevolent and Protective Order of the Elks of the World, which shall use the funds for charitable purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order.

The registrar shall pay the contributions received pursuant to section 4503.712 of the Revised Code to Ohio concerns of police survivors, which shall use those contributions to provide whatever assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty.

The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland peace officers memorial society, which shall use those contributions to honor law enforcement officers who have died in the line of duty and support its charitable purposes.

The registrar shall pay the contributions received pursuant to section 4503.714 of the Revised Code to the Ohio association of chiefs of police.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.715 of the Revised Code to the fallen linemen organization, which shall use the contributions to recognize and memorialize fallen linemen and support their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.716 of the Revised Code to the fallen timbers battlefield preservation commission, which shall use the contributions to further the mission of the commission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on March 31, 2003, as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.722 of the Revised Code to the Down Syndrome Association of Central Ohio, which shall use the contributions for advocacy purposes throughout the state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.724 of the Revised Code to the Ohio Chapter of the

American Foundation for Suicide Prevention, which shall use the contributions for programs, education, and advocacy purposes throughout the state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.725 of the Revised Code to the ALS association central & southern Ohio chapter, which shall split the contributions between that chapter and the ALS association northern Ohio chapter in accordance with any agreement between the two associations. The contributions shall be used to discover treatments and a cure for ALS, and to serve, advocate for, and empower people affected by ALS to live their lives to the fullest.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.73 of the Revised Code to Wright B. Flyer, incorporated, which shall deposit the contributions into its general account to be used for purposes of Wright B. Flyer, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.732 of the Revised Code to the Siegel Shuster society, a nonprofit organization dedicated to commemorating and celebrating the creation of Superman in Cleveland, Ohio.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.733 of the Revised Code to the central Ohio chapter of the juvenile diabetes research foundation, which shall distribute the contributions to the chapters of the juvenile diabetes research foundation in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.734 of the Revised Code to the Ohio highway patrol auxiliary foundation, which shall use the contributions to fulfill the foundation's mission of supporting law enforcement education and assistance.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.74 of the Revised Code to the Columbus zoological park association, which shall disburse the moneys to Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in accordance with a written agreement entered into by the major metropolitan zoos.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on March 31, 2003, in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.751 of the Revised Code to the Ohio association of realtors,

which shall deposit the contributions into a property disaster relief fund maintained under the Ohio realtors charitable and education foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the Ohio sea grant college program to be used for Lake Erie area research projects.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.86 of the Revised Code to the Ohio Lincoln highway historic byway, which shall use those contributions solely to promote and support the historical preservation and advertisement of the Lincoln highway in this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.87 of the Revised Code to the Grove City little league dream field fund, which shall use those contributions solely to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City.

The registrar shall pay the contributions the registrar receives pursuant

to section 4503.871 of the Revised Code to the Solon city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.872 of the Revised Code to the Canton city school district. The district may use the contributions for student welfare, but shall not use the contributions for any political purpose or to pay salaries of district employees.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.873 of the Revised Code to Padua Franciscan high school located in the municipal corporation of Parma. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection

501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.874 of the Revised Code to St. Edward high school located in the municipal corporation of Lakewood. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.875 of the Revised Code to Walsh Jesuit high school located in the municipal corporation of Cuyahoga Falls. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.876 of the Revised Code to the North Royalton city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.877 of the Revised Code to the Independence local school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.878 of the Revised Code to the Cuyahoga Heights local

school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors, shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.879 of the Revised Code to the west technical high school alumni association, which shall use the contributions for activities sponsored by the association.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.88 of the Revised Code to the Kenston local school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services that assist in developing or maintaining a culture of environmental responsibility and an innovative science, technology, engineering, art, and math (S.T.E.A.M.) curriculum to the school district's students. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.881 of the Revised Code to La Salle high school in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.882 of the Revised Code to St. John's Jesuit high school and academy located in the municipal corporation of Toledo. The school shall use the contributions it receives to provide tuition assistance for students attending the school.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.883 of the Revised Code to St. Charles preparatory school

located in the municipal corporation of Columbus, which shall use the contributions for the school's alumni association and the alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.884 of the Revised Code to Archbishop Moeller high school located in the municipal corporation of Cincinnati. The high school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.89 of the Revised Code to the American red cross of greater Columbus on behalf of the Ohio chapters of the American red cross, which shall use the contributions for disaster readiness, preparedness, and response programs on a statewide basis.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.891 of the Revised Code to the Ohio lions foundation. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.892 of the Revised Code to the Hudson city school district. The school district shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the Ohio association for pupil transportation, which shall use the money to support transportation programs, provide training to school transportation professionals, and support other initiatives for school transportation safety.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.902 of the Revised Code to St. Ignatius high school located in the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the

expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.903 of the Revised Code to the Brecksville-Broadview Heights city school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.904 of the Revised Code to the Chagrin Falls exempted village school district. The school district shall use the contributions it receives to pay the expenses it incurs in providing services to the school district's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include

bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The school district superintendent or, in the school district superintendent's discretion, the appropriate school principal or appropriate school counselors shall determine any charitable organizations that the school district hires to provide those services. The school district also may use the contributions it receives to pay for members of the faculty of the school district to receive training in providing such services to the students of the school district. The school district shall ensure that any charitable organization that is hired by the district is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school district shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.905 of the Revised Code to the Cuyahoga valley career center. The career center shall use the contributions it receives to pay the expenses it incurs in providing services to the career center's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. The career center's superintendent or in the career center's superintendent's discretion, the school board or appropriate school counselors shall determine any charitable organizations that the career center hires to provide those services. The career center also may use the contributions it receives to pay for members of the faculty of the career center to receive training in providing such services to the students of the career center. The career center shall ensure that any charitable organization that is hired by the career center is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The career center shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.906 of the Revised Code to the Stow-Munroe Falls city school district. The school district shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.907 of the Revised Code to the Twinsburg city school district. The school district shall not use the contributions it receives for any

political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.908 of the Revised Code to St. Xavier high school located in Springfield township in Hamilton county. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.909 of the Revised Code to the Grandview Heights city school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions received pursuant to section 4503.92 of the Revised Code to support our troops, incorporated, a national nonprofit corporation, which shall use those contributions in accordance with its articles of incorporation and for the benefit of servicemembers of the armed forces of the United States and their families when they are in financial need.

The registrar shall pay the contributions received pursuant to section 4503.931 of the Revised Code to healthy New Albany, which shall use the contributions for its community programs, events, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or

purchase of the simulated driving curriculum of the Michelle's leading star foundation by boards of education of city, exempted village, local, and joint vocational school districts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.941 of the Revised Code to the Ohio chapter international society of arboriculture, which shall use the money to increase consumer awareness on the importance of proper tree care and to raise funds for the chapter's educational efforts.

The registrar shall pay the contributions received pursuant to section 4503.942 of the Revised Code to zero, the end of prostate cancer, incorporated, a nonprofit organization, which shall use those contributions to raise awareness of prostate cancer, to support research to end prostate cancer, and to support prostate cancer patients and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.944 of the Revised Code to the eastern European congress of Ohio, which shall use the contributions for charitable and educational purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.945 of the Revised Code to the Summit metro parks foundation, which shall use the money in support of the Summit county metro parks.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.951 of the Revised Code to the Cincinnati city school district.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.952 of the Revised Code to Hawken school located in northeast Ohio. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation

under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.953 of the Revised Code to Gilmour academy located in the municipal corporation of Gates Mills. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.954 of the Revised Code to University school located in the suburban area near the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.955 of the Revised Code to Saint Albert the Great school located in North Royalton. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.956 of the Revised Code to the Liberty Center local school district, which shall use the contributions for its gifted programs and special education and related services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.957 of the Revised Code to John F. Kennedy Catholic school located in Warren. The school shall not use the contributions it receives for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.958 of the Revised Code to Elder high school located in the municipal corporation of Cincinnati. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students, twenty-five per cent of the contributions to benefit arts and enrichment at the school, and twenty-five per cent of the contributions to benefit athletics at the school.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.961 of the Revised Code to Fairfield senior high school located in the municipal corporation of Fairfield. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.962 of the Revised Code to Hamilton high school located in

the municipal corporation of Hamilton. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.963 of the Revised Code to Ross high school located in Ross township in Butler county. The high school shall not use the contributions for any political purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.97 of the Revised Code to the friends of united Hatzalah of Israel, which shall use the money to support united Hatzalah of Israel, which provides free emergency medical first response throughout Israel.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this state. The certificate shall attest to the fact that the applicant is permanently and totally disabled, shall be in a form that the department of taxation requires, and shall include the definition of totally and permanently disabled as set forth in section 4503.064 of the Revised Code. An application for reduction in taxes based upon a disability certified as permanent and total by a state or federal agency having the function of so classifying persons shall be accompanied by a certificate from that agency.

An application by a disabled veteran for the reduction under division (B) of section 4503.065 of the Revised Code shall be accompanied by a letter or other written confirmation from the United States department of veterans affairs, or its predecessor or successor agency, showing that the

veteran qualifies as a disabled veteran.

An application by the surviving spouse of a public service officer killed in the line of duty for the reduction under division (C) of section 4503.065 of the Revised Code shall be accompanied by a letter or other written confirmation from an officer or employee of the board of trustees of a retirement or pension fund in this state or another state or from the chief or other chief executive of the department, agency, or other employer for which the public service officer served when killed in the line of duty affirming that the public service officer was killed in the line of duty.

(2) Each application shall constitute a continuing application for a reduction in taxes for each year in which the manufactured or mobile home is occupied by the applicant. Failure to receive a new application or notification under division (B) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed on or before the thirty-first day of December of the year preceding the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction to which the applicant is entitled. The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records that relate to the income of the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section. The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

(3) A late application for a reduction in taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the amount of the reduction in taxes to which the applicant would have been entitled for the current tax year had the application been timely filed and approved in the preceding year, and the amount the taxes levied under section 4503.06 of the Revised Code for the current year would have been reduced as a result of

the reduction. When an applicant is permanently and totally disabled on the first day of January of the year in which the applicant files a late application, the auditor, in making the determination of the amounts of the reduction in taxes under division (A)(3) of this section, is not required to determine that the applicant was permanently and totally disabled on the first day of January of the preceding year.

The amount of the reduction in taxes pursuant to a late application shall be treated as an overpayment of taxes by the applicant. The auditor shall credit the amount of the overpayment against the amount of the taxes or penalties then due from the applicant, and, at the next succeeding settlement, the amount of the credit shall be deducted from the amount of any taxes or penalties distributable to the county or any taxing unit in the county that has received the benefit of the taxes or penalties previously overpaid, in proportion to the benefits previously received. If, after the credit has been made, there remains a balance of the overpayment, or if there are no taxes or penalties due from the applicant, the auditor shall refund that balance to the applicant by a warrant drawn on the county treasurer in favor of the applicant. The treasurer shall pay the warrant from the general fund of the county. If there is insufficient money in the general fund to make the payment, the treasurer shall pay the warrant out of any undivided manufactured or mobile home taxes subsequently received by the treasurer for distribution to the county or taxing district in the county that received the benefit of the overpaid taxes, in proportion to the benefits previously received, and the amount paid from the undivided funds shall be deducted from the money otherwise distributable to the county or taxing district in the county at the next or any succeeding distribution. At the next or any succeeding distribution after making the refund, the treasurer shall reimburse the general fund for any payment made from that fund by deducting the amount of that payment from the money distributable to the county or other taxing unit in the county that has received the benefit of the taxes, in proportion to the benefits previously received. On the second Monday in September of each year, the county auditor shall certify the total amount of the reductions in taxes made in the current year under division (A)(3) of this section to the tax commissioner who shall treat that amount as a reduction in taxes for the current tax year and shall make reimbursement to the county of that amount in the manner prescribed in section 4503.068 of the Revised Code, from moneys appropriated for that purpose.

~~(B)~~(B)(1) If in any year for which an application for reduction in taxes has been approved the owner no longer qualifies for the reduction, the owner shall notify the county auditor that the owner is not qualified for a

reduction in taxes.

(2) If the county auditor or county treasurer discovers that an owner not entitled to the reduction in manufactured home taxes under section 4503.065 of the Revised Code failed to notify the county auditor as required by division (B)(1) of this section, a charge shall be imposed against the manufactured or mobile home in the amount by which taxes were reduced under that section for each tax year the county auditor ascertains that the manufactured or mobile home was not entitled to the reduction and was owned by the current owner. Interest shall accrue in the manner prescribed by division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of manufactured home taxes under section 4503.06 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of manufactured or mobile homes under section 5715.19 of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(3) During January of each year, the county auditor shall furnish each person whose application for reduction has been approved, by ordinary mail, a form on which to report any changes in total income, ownership, occupancy, disability, and other information earlier furnished the auditor relative to the application. The form shall be completed and returned to the auditor not later than the thirty-first day of December if the changes would affect the person's eligibility for the reduction.

(C) No person shall knowingly make a false statement for the purpose of obtaining a reduction in taxes under section 4503.065 of the Revised Code.

(D) No person shall knowingly fail to notify the county auditor of any change required by division (B) of this section that has the effect of maintaining or securing a reduction in taxes under section 4503.065 of the Revised Code.

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to

4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

Sec. 4505.09. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

(2) The fees that are not retained by the clerk shall be paid to the registrar of motor vehicles by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is issued or that in which the registrar is notified of a lien or cancellation of a lien.

(B)(1) The registrar shall pay twenty-five cents of the amount received for each certificate of title issued to a motor vehicle dealer for resale, one dollar for certificates of title issued with a lien or security interest noted on the certificate of title, and twenty-five cents for each certificate of title with no lien or security interest noted on the certificate of title into the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(2) Fifty cents of the amount received for each certificate of title shall be

paid by the registrar as follows:

(a) Four cents shall be paid into the state treasury to the credit of the motor vehicle dealers board fund, which is hereby created. All investment earnings of the fund shall be credited to the fund. The moneys in the motor vehicle dealers board fund shall be used by the motor vehicle dealers board created under section 4517.30 of the Revised Code, together with other moneys appropriated to it, in the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code, except that the director of budget and management may transfer excess money from the motor vehicle dealers board fund to the public safety - highway purposes fund if the registrar determines that the amount of money in the motor vehicle dealers board fund, together with other moneys appropriated to the board, exceeds the amount required for the exercise of its powers and the performance of its duties under Chapter 4517. of the Revised Code and requests the director to make the transfer.

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the highway operating fund created by section 5735.051 of the Revised Code.

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state treasury to the credit of the motor vehicle sales audit fund, which is hereby created. The moneys in the fund shall be used by the tax commissioner together with other funds available to the commissioner to conduct a continuing investigation of sales and use tax returns filed for motor vehicles in order to determine if sales and use tax liability has been satisfied. The commissioner shall refer cases of apparent violations of section 2921.13 of the Revised Code made in connection with the titling or sale of a motor vehicle and cases of any other apparent violations of the sales or use tax law to the appropriate county prosecutor whenever the commissioner considers it advisable.

(3) Two dollars of the amount received by the registrar under divisions (A)(1)(a), (b), and (d) of this section and one dollar and fifty cents of the amount received by the registrar under division (A)(1)(c) of this section for each certificate of title shall be paid into the state treasury to the credit of the automated title processing fund, which is hereby created and which shall consist of moneys collected under under division (B)(3) of this section and under sections 1548.10 and 4519.59 of the Revised Code. All investment earnings of the fund shall be credited to the fund. The moneys in the fund shall be used as follows:

(a) Except for moneys collected under section 1548.10 of the Revised Code, moneys collected under division (B)(3) of this section shall be used to implement and maintain an automated title processing system for the

issuance of motor vehicle, off-highway motorcycle, and all-purpose vehicle certificates of title in the offices of the clerks of the courts of common pleas. Those moneys also shall be used to pay expenses that arise as a result of enabling electronic motor vehicle dealers to directly transfer applications for certificates of title under division (A)(3) of section 4505.06 of the Revised Code.

(b) Moneys collected under section 1548.10 of the Revised Code shall be used to issue marine certificates of title in the offices of the clerks of the courts of common pleas as provided in Chapter 1548. of the Revised Code.

(4) The registrar shall pay the fifty-cent separate fee collected from a licensed motor vehicle dealer under division (A)(1)(c) of this section into the title defect recision fund created by section 1345.52 of the Revised Code.

(C)(1) The automated title processing board is hereby created consisting of the registrar or the registrar's representative, a person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of parks and watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment and ribbons, cartridges, or other devices necessary for the operation of that equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each of the following:

(a) The automated title processing equipment and certificates of title requirements for each county;

(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;

(c) The repayment to the counties for existing title processing equipment;

(d) With the approval of the director of public safety, the award of grants from the automated title processing fund to the clerk of courts of any

county who employs a person who assists with the design of, updates to, tests of, installation of, or any other activity related to, an automated title processing system. Any grant awarded under division (C)(2)(d) of this section shall be deposited into the appropriate county certificate of title administration fund created under section 325.33 of the Revised Code and shall not be used to supplant any other funds.

(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.

(D) All counties shall conform to the requirements of the registrar regarding the operation of their automated title processing system for motor vehicle titles, certificates of title for off-highway motorcycles and all-purpose vehicles, and certificates of title for watercraft and outboard motors.

Sec. 4505.104. (A) A towing service or storage facility that is in possession of a motor vehicle may obtain a certificate of title to the vehicle as provided in division (B) of this section if all of the following apply:

(1) The motor vehicle was towed or stored pursuant to section 4513.60, 4513.61, or 4513.66 of the Revised Code.

(2) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(3) Upon obtaining the identity in division (A)(2) of this section, notice was sent to the last known address of the owner and any lienholder, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was received.

(4) The motor vehicle has been left unclaimed for sixty days after one of the following:

(a) The date the notice sent under division (A)(3) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility received notification that the delivery of the notice sent under division (A)(3) of this section was not possible.

(5) A sheriff, chief of police, or state highway patrol trooper, as applicable, has made a determination that the vehicle or items in the vehicle are not necessary to a criminal investigation.

(6) An agent of the towing service or storage facility executes an

affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (5) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to the towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (5) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility shall retain any money arising from the disposal of the vehicle.

(D) A towing service or storage facility that obtains title to a motor vehicle under this section shall notify the entity that ordered the motor vehicle into storage that the motor vehicle has been so disposed. The towing service or storage facility shall provide the notice on the last business day of the month in which the service or facility obtained title to the motor vehicle.

(E) As used in this section, "towing service or storage facility" means any for-hire motor carrier that removes a motor vehicle under the authority of section 4513.60, 4513.61, or 4513.66 of the Revised Code and any place to which such a for-hire motor carrier delivers a motor vehicle towed under those sections.

Sec. 4511.191. (A)(1) As used in this section:

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code.

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(c) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of

the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test or had been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(c) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, had been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused one previous request to consent to a chemical test and also had been convicted of or

pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, which violation or offense arose from an incident other than the incident that led to the refusal, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(d) If the arrested person, within ten years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, had been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses, or had refused a number of previous requests to consent to a chemical test and also had been convicted of or pleaded guilty to a number of violations of division (A) or (B) of section 4511.19 of the Revised Code or other equivalent offenses that cumulatively total three or more such refusals, convictions, and guilty pleas, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance

specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within ten years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension

or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions

(F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified under section 5119.22 of the Revised Code.

(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code.

(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. The department of mental health and addiction services shall distribute the moneys in that fund to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section to be used only as provided in division (H)(3) of this section. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (H) of this section because the director of mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of mental health and addiction services.

(d) Seventy-five dollars shall be credited to the opportunities for Ohioans with disabilities agency established by section 3304.15 of the Revised Code, to the services for rehabilitation fund, which is hereby established. The fund shall be used to match available federal matching funds where appropriate, and for any other purpose or program of the

agency to rehabilitate persons with disabilities to help them become employed and independent.

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F)(4) of this section.

(f) Thirty dollars shall be credited to the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device.

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section.

(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall

not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that

are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division of the section or provision.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that is credited under that division to the indigent drivers alcohol treatment fund shall be deposited into a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund as follows:

(a) Regarding a suspension imposed under this section, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person who was charged in a county court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the county juvenile indigent drivers alcohol treatment fund established in the county served by the court;

(iii) If the fee is paid by a person who was charged in a municipal court with the violation that resulted in the suspension or in the imposition of the court costs, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

(i) If the fee is paid by a person whose license or permit was suspended by a county court, the portion shall be deposited into the county indigent drivers alcohol treatment fund under the control of that court;

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section.

The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the

board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs.

(c) Upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device, a county, juvenile, or municipal court judge may use moneys in the county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund in either of the following manners:

(i) If the source of the moneys was an appropriation of the general assembly, a portion of a fee that was paid under division (F) of this section, a portion of a fine that was specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section 4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device;

(ii) If the source of the moneys was a portion of an additional court cost imposed under section 2949.094 of the Revised Code, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device. The moneys may be used for a device as described in this division if the use of the device is in conjunction with a treatment program approved by the department of mental health and addiction services, when the use of the device is determined clinically necessary by the treatment program, but the use of a device is not required to be in conjunction with a treatment program approved by the department in order for the moneys to be

used for the device as described in this division.

(4) If a county, juvenile, or municipal court determines, in consultation with the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health district in which the court is located, that the funds in the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of the court are more than sufficient to satisfy the purpose for which the fund was established, as specified in divisions (H)(1) to (3) of this section, the court may declare a surplus in the fund. If the court declares a surplus in the fund, the court may take ~~any~~ one or more of the following actions with regard to the amount of the surplus in the fund:

(a) Expend any of the surplus amount for alcohol and drug abuse assessment and treatment, and for the cost of transportation related to assessment and treatment, of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) Expend any of the surplus amount to pay all or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3)(c) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(c) Transfer to another court in the same county any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section. If surplus funds are transferred to another court, the court that transfers the funds shall notify the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which that court is located.

(d) Transfer to the alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services that serves the alcohol, drug addiction, and mental health service district in which the court

is located any of the surplus amount to be utilized in a manner consistent with division (H)(3) of this section or for board contracted recovery support services.

(e) Expend any of the surplus amount for the cost of staffing, equipment, training, drug testing, supplies, and other expenses of any specialized docket program established within the court and certified by the supreme court.

(5) In order to determine if an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program for purposes of division (H)(3) of this section or if an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any community addiction services provider that intends to provide alcohol and drug addiction services and has not had its alcohol and drug addiction services certified under section 5119.36 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of mental health and addiction services in order for the community addiction services provider to have its alcohol and drug addiction services certified by the department. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a community addiction services provider interested in having its alcohol and drug addiction services certified makes an application pursuant to section 5119.36 of the Revised Code, the community addiction services provider is eligible to receive surplus funds as long as the application is pending with the department. The department of mental health and addiction services must offer technical assistance to the applicant. If the interested community addiction services provider withdraws the certification application, the department must notify the court, and the court shall not provide the interested community addiction services provider with any further surplus funds.

(7)(a) Each alcohol and drug addiction services board and board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code shall submit to the department of mental health and addiction services an annual report for each indigent drivers alcohol treatment fund in that board's area.

(b) The report, which shall be submitted not later than sixty days after

the end of the state fiscal year, shall provide the total payment that was made from the fund, including the number of indigent consumers that received treatment services and the number of indigent consumers that received an alcohol monitoring device. The report shall identify the treatment program and expenditure for an alcohol monitoring device for which that payment was made. The report shall include the fiscal year balance of each indigent drivers alcohol treatment fund located in that board's area. In the event that a surplus is declared in the fund pursuant to division (H)(4) of this section, the report also shall provide the total payment that was made from the surplus moneys and identify the authorized purpose for which that payment was made.

(c) If a board is unable to obtain adequate information to develop the report to submit to the department for a particular indigent drivers alcohol treatment fund, the board shall submit a report detailing the effort made in obtaining the information.

(I)(1) Each county shall establish an indigent drivers interlock and alcohol monitoring fund and a juvenile indigent drivers interlock and alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

(2) That portion of the license reinstatement fee that is paid under division (F) of this section and that portion of the fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

(a) If the fee or fine is paid by a person who was charged in a county court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county indigent drivers interlock and alcohol monitoring fund under the control of that court.

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of that court to be utilized in accordance with division (H) of this section.

Sec. 4513.601. (A) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that includes all of the following information:

(a) A statement that the property is a tow-away zone;

(b) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include

on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

(c) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

(d) The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

(e) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in division (B) of section 4505.101 of the Revised Code.

In order to comply with the requirements of division (A)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

(a) It is located within twenty-five linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five linear miles.

(b) It is well-lighted.

(c) It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(B)(1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (A) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in section 4505.101 of the Revised Code. The owner or lienholder of a vehicle that has been removed under this section, subject to division (C) of this section, may recover the vehicle in accordance with division (G) of this section.

(2) If a municipal corporation requires tow trucks and tow truck

operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (B) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(C) If the owner or operator of a vehicle that is being removed under authority of division (B) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(D)(1) Prior to towing a vehicle under division (B) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (A) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2) A towing service shall deliver a vehicle towed under division (B) of this section to the location from which it may be recovered not more than two hours after the time it was removed from the private tow-away zone,

unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(E)(1) If an owner of a private property that is established as a private tow-away zone in accordance with division (A) of this section causes the removal of a vehicle from that property by a towing service under division (B) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the sheriff of the county or the police department of the municipal corporation, township, port authority, or township or joint police district in which the property is located concerning all of the following:

- (a) The vehicle's license number, make, model, and color;
- (b) The location from which the vehicle was removed;
- (c) The date and time the vehicle was removed;
- (d) The telephone number of the person from whom the vehicle may be recovered;
- (e) The address of the place from which the vehicle may be recovered.

(2) Each county sheriff and each chief of police of a municipal corporation, township, port authority, or township or joint police district shall maintain a record of any vehicle removed from private property in the sheriff's or chief's jurisdiction that is established as a private tow-away zone of which the sheriff or chief has received notice under this section. The record shall include all information submitted by the towing service. The sheriff or chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(F)(1) When a vehicle is removed from private property in accordance with this section, within three business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The registrar of motor vehicles shall ensure that such information is provided in a timely manner. Subject to division (F)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

- (a) Within five business days after the registrar of motor vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a

commercial carrier service utilizing any form of delivery requiring a signed receipt;

(b) If the vehicle remains unclaimed thirty days after the first notice is sent, in the manner required under division (F)(1)(a) of this section;

~~(c) If the vehicle remains unclaimed forty-five days after the first notice is sent, in the manner required under division (F)(1)(a) of this section.~~

(2) Sixty days after any notice sent pursuant to division (F)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under division (B) of section 4505.101 of the Revised Code, may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(3) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under division (B) of section 4505.101 of the Revised Code.

(4) With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under section 4505.101 of the Revised Code, the towing service or storage facility need only comply with the initial notice required under division (F)(1)(a) of this section.

(G)(1) The owner or lienholder of a vehicle that is removed under division (B) of this section may reclaim it upon both of the following:

(a) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

(b) Payment of the following fees:

(i) All applicable fees established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (F)(1)(a) of this section;

(ii) If notice has been sent to the owner and lienholder as described in division (F) of this section, a processing fee of twenty-five dollars.

(2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (B) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (D) of this section. Upon request, the towing service or storage facility shall provide a copy of all

photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 4513.611 of the Revised Code.

(4) Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (B) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (G)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(H) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(I) This section does not affect or limit the operation of section 4513.60 or sections 4513.61 to 4613.65 of the Revised Code as they relate to property other than private property that is established as a private tow-away zone under division (A) of this section.

(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor.

(K) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

- (1) Any person who holds title to the property;
- (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
- (3) A person who is authorized to manage the property;
- (4) A duly authorized agent of any person listed in divisions (K)(1) to (3) of this section.

Sec. 4513.602. (A) As used in this section and section 4513.603 of the Revised Code:

(1) "Motor vehicle dealer" has the same meaning as in section 4517.01 of the Revised Code.

(2) "Repair facility" means any business with which a person has

entered into an agreement to repair a vehicle.

(3) "Towing service" means any for-hire motor carrier that removes a motor vehicle from a motor vehicle dealer or repair facility.

(4) "Storage facility" means any place to which a towing service delivers a motor vehicle from a motor vehicle dealer or repair facility.

(B) A motor vehicle dealer or repair facility that is in possession of a motor vehicle may cause the removal of the motor vehicle by a towing service if all of the following apply:

(1) A search was made of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(2) Upon obtaining the identity under division (B)(1) of this section, notice was sent to the owner's and any lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, and the notice informs the owner and any lienholder of the following:

(a) The address where the motor vehicle is located;

(b) That the motor vehicle dealer or repair facility will cause the vehicle to be towed if not claimed within fourteen calendar days after either the date the notice was received or the date the motor vehicle dealer or repair facility receives notification that delivery was not possible;

(c) That a towing service that removes the motor vehicle or a storage facility that stores the motor vehicle may obtain title to it under section 4513.603 of the Revised Code.

(3) The motor vehicle has been left unclaimed for fourteen days after one of the following:

(a) The date the notice sent under division (B)(2) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the motor vehicle dealer or repair facility received notification that the delivery of the notice sent under division (B)(2) of this section was not possible.

The procedure described in division (B) of this section applies regardless of who leaves the motor vehicle on the motor vehicle dealer's property or the repair facility's property.

(C) A motor vehicle owner's or lienholder's failure to remove the vehicle from the property within the time period specified in division (B)(3) of this section constitutes consent to all of the following:

(1) The motor vehicle's removal and storage;

(2) The payment of any charges incurred for the removal and storage of the motor vehicle;

(3) The right of a towing service that removes the motor vehicle or

storage facility that stores the motor vehicle to obtain title to the motor vehicle under section 4513.603 of the Revised Code.

(D) After a motor vehicle has been removed by a towing service, a motor vehicle owner or lienholder may reclaim the motor vehicle from the towing service or storage facility that is in possession of the motor vehicle if all of the following apply:

(1) The owner presents proof of ownership evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) The owner or lienholder makes payment of any charges incurred for the removal and storage of the motor vehicle.

(3) Title to the motor vehicle has not been issued to the towing service or storage facility under section 4513.603 of the Revised Code.

(E) Any towing service that removes a motor vehicle under this section shall not charge a fee greater than those established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code.

(F)(1) Any motor vehicle dealer, repair facility, towing service, or storage facility that complies with this section is not liable for any damage, claim of conversion, or any other claim resulting from the removal, towing, or storage of the motor vehicle.

(2) A motor vehicle dealer or repair facility does not forego, release, or otherwise relinquish any legal recourse or right of action against a titled owner or lienholder of a motor vehicle by causing the vehicle to be removed under division (B) of this section, unless possession of the motor vehicle is required for the cause of action.

Sec. 4513.603. (A) A towing service or storage facility that is in possession of a motor vehicle obtained under section 4513.602 of the Revised Code may obtain a certificate of title to the motor vehicle, regardless of the motor vehicle's value, as provided in division (B) of this section if all of the following apply:

(1) A search was made by the towing service or storage facility of the records of the bureau of motor vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle.

(2) Upon obtaining the identity in division (A)(1) of this section, the towing service or storage facility sent notice to the owner's and any lienholder's last known address, by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt, that informs the owner and any lienholder that the towing service or storage facility will obtain title to the motor vehicle if not claimed within sixty days after the date the notice was

received.

(3) The motor vehicle has been left unclaimed for sixty days after one of the following:

(a) The date the notice sent under division (A)(2) of this section was received, as evidenced by a receipt signed by any person;

(b) The date the towing service or storage facility receives notification that the delivery of the notice sent under division (A)(2) of this section was not possible.

(4) An agent of the towing service or storage facility executes an affidavit, in a form established by the registrar of motor vehicles not later than ninety days after the effective date of this section, affirming that conditions in divisions (A)(1) to (3) of this section are met.

(B) The clerk of court shall issue a certificate of title, free and clear of all liens and encumbrances, to a towing service or storage facility that presents an affidavit that affirms that the conditions in divisions (A)(1) to (3) of this section are met.

(C) After obtaining title to a motor vehicle under this section, the towing service or storage facility may retain any money arising from the disposal of the vehicle.

Sec. 4513.62. ~~Unclaimed~~ An unclaimed motor vehicle ordered into storage pursuant to division (A)(1) of section 4513.60 or section 4513.61 of the Revised Code ~~shall be disposed of at the order of the~~ is subject to one of the following:

(A) The sheriff of the county or the chief of police of the municipal corporation, township, port authority, or township or joint police district ~~to~~ may dispose of it with a motor vehicle salvage dealer or scrap metal processing facility as defined in section 4737.05 of the Revised Code, or ~~to~~ with any other facility owned by or under contract with the county, municipal corporation, port authority, or township, for the disposal of such motor vehicles, ~~or shall be sold by the.~~

(B) The sheriff, chief of police, or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code. ~~Any~~

(C) A towing service or storage facility may obtain title to the motor vehicle in accordance with section 4505.104 of the Revised Code.

Any moneys accruing from the disposition of an unclaimed motor vehicle accrued pursuant to division (A) or (B) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle

shall be credited to the general fund of the county, municipal corporation, port authority, township, or joint police district, as the case may be.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;

(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.

(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule;

(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board,

but the requirements must at a minimum require the applicant to meet all of the following:

- (a) Be at least seventeen years of age;
- (b) Have an eighth grade education, or an equivalent education as determined by the state board of education;
- (c) Submit two signed current photographs of the applicant, in the size determined by the board.
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;
- (9) Operate in a manner which reflects credit upon the barbering profession;
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:

- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;
- (2) Meets such other requirements as adopted by rule by the board;
- (3) Passes the required examination; and
- (4) Pays the required fees. ~~If an applicant fails to pass the examination, the applicant may reapply for the examination and licensure no earlier than one year after the failure to pass and provided that during that period, the applicant remains employed as an assistant barber teacher.~~

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

Sec. 4713.02. (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate:

(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment;

(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment;

(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology;

(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school;

(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology;

(6) One owner of at least five licensed salons;

(7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(8) One individual representing the general public;

(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;

(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;

(11) ~~Two barbers, one of whom~~ One individual who is an employer barber and ~~one of whom is employed as a barber, both of whom have~~ who has been licensed as ~~barbers~~ a barber in this state for at least five years immediately preceding ~~their~~ the individual's appointment;

(12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment.

(B) The superintendent of public instruction shall nominate three individuals for the governor to choose from when making an appointment under division (A)(4) of this section.

(C) All members shall be at least twenty-five years of age, residents of

the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology, salon, barber school, or barber shop.

Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. Before entering upon the discharge of the duties of the office of member, each member shall take, and file with the secretary of state, the oath of office required by Section 7 of Article XV, Ohio Constitution.

The members of the board shall receive an amount fixed pursuant to Chapter 124. of the Revised Code per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage for each mile necessarily traveled.

The members of the board shall annually elect, from among their number, a chairperson and a vice-chairperson. The executive director appointed pursuant to section 4713.06 of the Revised Code shall serve as the board's secretary.

(D) The board shall prescribe the duties of its officers and establish an office within Franklin county. The board shall keep all records and files at the office and have the records and files at all reasonable hours open to public inspection in accordance with section 149.43 of the Revised Code and any rules adopted by the board in compliance with this state's record retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

(E) The governor may remove any member for cause prior to the expiration of the member's term of office.

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term

"barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

Sec. 4713.351. (A) For purposes of this section, a "limited event" includes, but is not limited to, the following:

- (1) A charity event;
- (2) On-location wedding or event preparation;
- (3) A bridal or hair show;
- (4) An on-location spa event;
- (5) An on-location event at a location such as a nursing home, hospital, or other care facility that lacks an on-site salon or barber shop;
- (6) An on-location event at the private residence of an individual who is unable to visit a fixed location salon or barber shop.

(B) Notwithstanding any provision of this chapter or Chapter 4709. of the Revised Code, or the rules adopted under either chapter, to the contrary, an individual who is licensed to provide services under Chapter 4709. or 4713. of the Revised Code may provide those services on premises other than a salon or a barber shop licensed under Chapter 4709., as applicable, for limited events only if the services provided are incidental to the licensee's practice in a salon or barber shop.

(C) The state cosmetology and barber board shall not require an individual who provides incidental services as described in this section to obtain an additional license or permit to provide those services.

Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter

to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;

(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;

(4) A residential facility licensed under section 5123.19 of the Revised Code;

(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;

(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;

(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;

(10) A foster home, as defined in section 5103.02 of the Revised Code;

(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;

(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~3701.884~~ 3740.11 of the Revised Code;

(13) A dispensary;

(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;

(15) The residence of one or more individuals enrolled in a home and

community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;

(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(17) A women, infants, and children clinic;

(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;

(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.

Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of the Revised Code:

(1) "Affiliate" means a business entity that is owned by, operated by, controlled by, or under common control with another business entity.

(2) "Communication" means a written or oral notification or advertisement that meets both of the following criteria, as applicable:

(a) The notification or advertisement is transmitted by or on behalf of the seller of goods or services and by or through any printed, audio, video, cinematic, telephonic, or electronic means.

(b) In the case of a notification or advertisement other than by telephone, either of the following conditions is met:

(i) The notification or advertisement is followed by a telephone call from a telephone solicitor or salesperson.

(ii) The notification or advertisement invites a response by telephone, and, during the course of that response, a telephone solicitor or salesperson attempts to make or makes a sale of goods or services. As used in division (A)(2)(b)(ii) of this section, "invites a response by telephone" excludes the mere listing or inclusion of a telephone number in a notification or advertisement.

(3) "Gift, award, or prize" means anything of value that is offered or purportedly offered, or given or purportedly given by chance, at no cost to the receiver and with no obligation to purchase goods or services. As used in this division, "chance" includes a situation in which a person is guaranteed to receive an item and, at the time of the offer or purported offer, the telephone solicitor does not identify the specific item that the person will

receive.

(4) "Goods or services" means any real property or any tangible or intangible personal property, or services of any kind provided or offered to a person. "Goods or services" includes, but is not limited to, advertising; labor performed for the benefit of a person; personal property intended to be attached to or installed in any real property, regardless of whether it is so attached or installed; timeshare estates or licenses; and extended service contracts.

(5) "Purchaser" means a person that is solicited to become or does become financially obligated as a result of a telephone solicitation.

(6) "Salesperson" means an individual who is employed, appointed, or authorized by a telephone solicitor to make telephone solicitations but does not mean any of the following:

(a) An individual who comes within one of the exemptions in division (B) of this section;

(b) An individual employed, appointed, or authorized by a person who comes within one of the exemptions in division (B) of this section;

(c) An individual under a written contract with a person who comes within one of the exemptions in division (B) of this section, if liability for all transactions with purchasers is assumed by the person so exempted.

(7) "Telephone solicitation" means a communication to a person that meets both of the following criteria:

(a) The communication is initiated by or on behalf of a telephone solicitor or by a salesperson.

(b) The communication either represents a price or the quality or availability of goods or services or is used to induce the person to purchase goods or services, including, but not limited to, inducement through the offering of a gift, award, or prize.

(8) "Telephone solicitor" means a person that engages in telephone solicitation directly or through one or more salespersons either from a location in this state, or from a location outside this state to persons in this state. "Telephone solicitor" includes, but is not limited to, any such person that is an owner, operator, officer, or director of, partner in, or other individual engaged in the management activities of, a business.

(B) A telephone solicitor is exempt from the provisions of sections 4719.02 to 4719.18 and section 4719.99 of the Revised Code if the telephone solicitor is any one of the following:

(1) A person engaging in a telephone solicitation that is a one-time or infrequent transaction not done in the course of a pattern of repeated transactions of a like nature;

(2) A person engaged in telephone solicitation solely for religious or political purposes; a charitable organization, fund-raising counsel, or professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; or any person or other entity exempt under section 1716.03 of the Revised Code from filing a registration statement under section 1716.02 of the Revised Code;

(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 78l, and is registered or is exempt from registration under 15 U.S.C.A. 78l(g)(2)(A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).

(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary.

(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et seq. and the registration or temporary registration has not expired or been suspended or revoked;

(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a full refund within thirty days to a purchaser who returns the merchandise or if the person solicits the sale on behalf of a membership club operating in compliance with regulations adopted by the federal trade commission in 16 C.F.R. 425;

(9) A supervised financial institution or its subsidiary. As used in division (B)(9) of this section, "supervised financial institution" means a bank, trust company, savings and loan association, savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or institution described in section 2(c)(2)(F) of the "Bank Holding Company Act of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an official or agency of the United States, this state, or any other state of the United States; or a licensee or registrant under sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 1321.83, or Chapter 1322. of the Revised Code.

(10)(a) An insurance company, association, or other organization that is licensed or authorized to conduct business in this state by the superintendent of insurance pursuant to Title XXXIX of the Revised Code or Chapter 1751. of the Revised Code, when soliciting within the scope of its license or authorization.

(b) A licensed insurance broker, agent, or solicitor when soliciting within the scope of the person's license. As used in division (B)(10)(b) of

this section, "licensed insurance broker, agent, or solicitor" means any person licensed as an insurance broker, agent, or solicitor by the superintendent of insurance pursuant to Title XXXIX of the Revised Code.

(11) A person soliciting the sale of services provided by a cable television system operating under authority of a governmental franchise or permit;

(12) A person soliciting a business-to-business sale under which any of the following conditions are met:

(a) The telephone solicitor has been operating continuously for at least three years under the same business name under which it solicits purchasers, and at least fifty-one per cent of its gross dollar volume of sales consists of repeat sales to existing customers to whom it has made sales under the same business name.

(b) The purchaser business intends to resell the goods purchased.

(c) The purchaser business intends to use the goods or services purchased in a recycling, reuse, manufacturing, or remanufacturing process.

(d) The telephone solicitor is a publisher of a periodical or of magazines distributed as controlled circulation publications as defined in division (CC) of section 5739.01 of the Revised Code and is soliciting sales of advertising, subscriptions, reprints, lists, information databases, conference participation or sponsorships, trade shows or media products related to the periodical or magazine, or other publishing services provided by the controlled circulation publication.

(13) A person that, not less often than once each year, publishes and delivers to potential purchasers a catalog that complies with both of the following:

(a) It includes all of the following:

(i) The business address of the seller;

(ii) A written description or illustration of each good or service offered for sale;

(iii) A clear and conspicuous disclosure of the sale price of each good or service; shipping, handling, and other charges; and return policy.

(b) One of the following applies:

(i) The catalog includes at least twenty-four pages of written material and illustrations, is distributed in more than one state, and has an annual postage-paid mail circulation of not less than two hundred fifty thousand households;

(ii) The catalog includes at least ten pages of written material or an equivalent amount of material in electronic form on the internet or an on-line computer service, the person does not solicit customers by telephone

but solely receives telephone calls made in response to the catalog, and during the calls the person takes orders but does not engage in further solicitation of the purchaser. As used in division (B)(13)(b)(ii) of this section, "further solicitation" does not include providing the purchaser with information about, or attempting to sell, any other item in the catalog that prompted the purchaser's call or in a substantially similar catalog issued by the seller.

(14) A political subdivision or instrumentality of the United States, this state, or any state of the United States;

(15) A college or university or any other public or private institution of higher education in this state;

(16) A public utility as defined in section 4905.02 of the Revised Code or a retail natural gas supplier as defined in section 4929.01 of the Revised Code, if the utility or supplier is subject to regulation by the public utilities commission, or the affiliate of the utility or supplier;

(17) A person that solicits sales through a television program or advertisement that is presented in the same market area no fewer than twenty days per month or offers for sale no fewer than ten distinct items of goods or services; and offers to the purchaser an unconditional right to return any good or service purchased within a period of at least seven days and to receive a full refund within thirty days after the purchaser returns the good or cancels the service;

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises.

(b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements:

(i) The affiliate has operated a retail business for a period of less than one year;

(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises;

(iii) At least fifty-one per cent of the affiliate's gross dollar volume of

retail sales involves purchases of goods or services at the affiliate's business premises.

(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;

(ii) The goods or services that are the subject of telephone solicitation are sold at the person's business premises, and at least sixty-five per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310.

(19) A person who performs telephone solicitation sales services on behalf of other persons and to whom one of the following applies:

(a) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least seventy-five per cent of its gross revenues from written telephone solicitation contracts with persons who come within one of the exemptions in division (B) of this section.

(b) The person is an affiliate of one or more exempt persons and makes telephone solicitations on behalf of only the exempt persons of which it is an affiliate.

(c) The person makes telephone solicitations on behalf of only exempt persons, the person and each exempt person on whose behalf telephone solicitations are made have entered into a written contract that specifies the manner in which the telephone solicitations are to be conducted and that at a minimum requires compliance with the telemarketing sales rule adopted by the federal trade commission in 16 C.F.R. part 310, and the person conducts the telephone solicitations in the manner specified in the written contract.

(d) The person performs telephone solicitation for religious or political purposes, a charitable organization, a fund-raising council, or a professional solicitor in compliance with the registration and reporting requirements of Chapter 1716. of the Revised Code; and meets all of the following requirements:

(i) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least

fifty-one per cent of its gross revenues from written telephone solicitation contracts with persons who come within the exemption in division (B)(2) of this section;

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license;

(21)(a) Either of the following:

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under a written agreement directly between the publisher and the person.

(ii) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature as authorized by a publisher under a written agreement directly with a publisher's clearinghouse provided the person is a resident of Ohio for more than three years and initiates all telephone solicitations from Ohio and the person conducts the solicitation and sale in compliance with 16 C.F.R. part 310, as adopted by the federal trade commission.

(b) As used in division (B)(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person.

(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars.

(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply:

(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code;

(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights

specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser.

(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code.

(25) A person that solicits sales from its previous purchasers and meets all of the following requirements:

(a) The solicitation is made under the same business name that was previously used to sell goods or services to the purchaser;

(b) The person has, for a period of not less than three years, operated a business under the same business name as that used in connection with telephone solicitation;

(c) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(d) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310;

(e) Neither the person nor any of its principals has been convicted of, pleaded guilty to, or has entered a plea of no contest for a felony or a theft offense as defined in sections 2901.02 and 2913.01 of the Revised Code or similar law of another state or of the United States;

(f) Neither the person nor any of its principals has had entered against them an injunction or a final judgment or order, including an agreed judgment or order, an assurance of voluntary compliance, or any similar instrument, in any civil or administrative action involving engaging in a pattern of corrupt practices, fraud, theft, embezzlement, fraudulent conversion, or misappropriation of property; the use of any untrue, deceptive, or misleading representation; or the use of any unfair, unlawful, deceptive, or unconscionable trade act or practice.

(26) An institution defined as a home health agency in section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310, and engages in telephone solicitation only within the scope of the institution's certification, accreditation, contract with the department of aging, or status as a home health agency; and that meets one of the following requirements:

(a) The institution is certified as a provider of home health services under Title XVIII of the Social Security Act, 49 Stat. 620, 42 U.S.C. 301, as amended;

(b) The institution is accredited by either the joint commission on accreditation of health care organizations or the community health accreditation program;

(c) The institution is providing PASSPORT services under the direction of the department of aging under sections 173.52 to 173.523 of the Revised Code;

(d) An affiliate of an institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section.

(27) A person licensed by the department of health pursuant to section 3712.04 or 3712.041 of the Revised Code to provide a hospice care program or pediatric respite care program when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

Sec. 4723.431. (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist,

certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist and the collaborating physician must be practicing in one of the following specialties:

- (i) Psychiatry;
- (ii) Pediatrics;
- (iii) Primary care or family practice.

(B) A standard care arrangement shall be in writing and shall contain all of the following:

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist;

(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist;

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C)(1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section ~~3701.881~~ 3740.01 of the Revised Code.

(2) A standard care arrangement entered into pursuant to this section

may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to admit a patient to a hospital in accordance with section 3727.06 of the Revised Code.

(D)(1) Except as provided in division (D)(2) of this section, if a physician or podiatrist terminates the collaboration between the physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist before their standard care arrangement expires, all of the following apply:

(a) The physician or podiatrist must give the nurse written or electronic notice of the termination.

(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

Sec. 4729.284. (A) As used in this section, "nicotine replacement therapy" means a drug, including a dangerous drug, that delivers small doses of nicotine to an individual for the purpose of aiding in tobacco cessation or smoking cessation.

(B) Subject to division (C) of this section, if use of a protocol that has

been developed under this section has been authorized under section 4731.90 of the Revised Code, a pharmacist may dispense nicotine replacement therapy in accordance with that protocol to individuals who are eighteen years old or older and seeking to quit using tobacco-containing products.

(C) For a pharmacist to be authorized to dispense nicotine replacement therapy under this section, the pharmacist shall do both of the following:

(1) Successfully complete a course on nicotine replacement therapy that is taught by a provider that is accredited by the accreditation council for pharmacy education, or another provider approved by the state board of pharmacy, and that meets requirements established in rules adopted under this section;

(2) Practice in accordance with a protocol that meets the requirements of division (D) of this section.

(D) All of the following apply with respect to the protocol required by this section:

(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist may dispense nicotine replacement therapy under this section.

(3) The protocol shall include provisions for implementation of the following requirements:

(a) Use by the pharmacist of a screening procedure, recommended by the United States centers for disease control and prevention or another organization approved by the board, to determine if an individual is a good candidate to receive nicotine replacement therapy dispensed as authorized by this section;

(b) A requirement that the pharmacist refer high-risk individuals or individuals with contraindications to a primary care provider or, as appropriate, to another type of provider;

(c) A requirement that the pharmacist develop and implement a follow-up care plan in accordance with guidelines specified in rules adopted under this section, including a recommendation by the pharmacist that the individual seek additional assistance with behavior change, including assistance from the Ohio tobacco quit line made available by the department of health.

(4) The protocol shall satisfy any additional requirements established in rules adopted under this section.

(E)(1) Documentation related to screening, dispensing, and follow-up care plans shall be maintained in the records of the pharmacy where the pharmacist practices for at least three years. Dispensing of nicotine replacement therapy may be documented on a prescription form, and the form may be assigned a number for recordkeeping purposes.

(2) Not later than seventy-two hours after a screening is conducted under this section, the pharmacist shall provide notice to the individual's primary care provider, if known, or to the individual if the primary care provider is unknown. The notice shall include results of the screening, and if applicable, the dispensing record and follow-up care plan.

A copy of the documentation identified in division (E)(1) of this section shall also be provided to the individual or the individual's primary care provider on request.

(F) This section does not affect the authority of a pharmacist to do any of the following:

(1) Fill or refill prescriptions for nicotine replacement therapy;

(2) Sell nicotine replacement therapy that does not require a prescription.

(G) No pharmacist shall do either of the following:

(1) Dispense nicotine replacement therapy in accordance with a protocol unless the requirements of division (C) of this section have been met;

(2) Delegate to any person the pharmacist's authority to engage in or supervise the dispensing of nicotine replacement therapy.

(H)(1) The board shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include all of the following:

(a) Provisions specifying the nicotine replacement therapy that may be dispensed in accordance with a protocol;

(b) Requirements for courses on nicotine replacement therapy including requirements that are consistent with any standards established for such courses by the United States centers for disease control and prevention;

(c) Requirements for protocols to be followed by pharmacists in dispensing nicotine replacement therapy;

(d) Guidelines for follow-up care plans.

(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists in dispensing of nicotine replacement therapy, the state board of pharmacy shall consult with the state medical board and the department of health.

(I) A physician who in good faith authorizes a pharmacist to dispense nicotine replacement therapy in accordance with a protocol developed

pursuant to rules adopted under division (H) of this section is not liable for or subject to any of the following for any action or omission of the individual to whom the nicotine replacement therapy is dispensed: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 4729.43. (A) As used in this section:

(1) "Home health agency" has the same meaning as in section ~~3701.881~~ 3740.01 of the Revised Code.

(2) "Hospice care program" and "hospice patient" have the same meanings as in section 3712.01 of the Revised Code.

(B) With regard to a dangerous drug that is indicated for the treatment of cancer or a cancer-related illness, must be administered intravenously or by subcutaneous injection, and cannot reasonably be self-administered by the patient to whom the drug is prescribed or by an individual assisting the patient with the self-administration, a pharmacist shall not dispense the drug by delivering the drug directly to any of the following or causing the drug to be delivered directly to any of the following:

(1) The patient;

(2) The patient's representative, which may include the patient's guardian or a family member or friend of the patient;

(3) The patient's private residence unless any of the following is the case:

(a) The patient's private residence is a nursing home, residential care facility, rehabilitation facility, or similar institutional facility or health care facility.

(b) If the patient is an adult and a hospice patient or client of a home health agency, the patient, the licensed health professional authorized to prescribe drugs who prescribed the drug to the patient, or an employee or agent of the prescriber has notified the pharmacist that the patient is a hospice patient or client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient.

(c) If the patient is a minor and a hospice patient or client of a home health agency, either of the following has notified the pharmacist that the patient is a client of a home health agency and an employee or agent of the hospice care program or home health agency will be administering the drug to the patient:

(i) The licensed health professional authorized to prescribe drugs who prescribed the drug to the patient or an employee or agent of the prescriber;

(ii) The parent, guardian, or other person who has care or charge of the

patient and is authorized to consent to medical treatment on behalf of the patient.

Sec. 4729.80. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an investigation.

(2) On receipt of a request from a federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs, the board shall provide to the officer information from the database relating to the person who is the subject of an active investigation of a drug abuse offense, as defined in section 2925.01 of the Revised Code, being conducted by the officer's employing government entity.

(3) Pursuant to a subpoena issued by a grand jury, the board shall provide to the grand jury information from the database relating to the person who is the subject of an investigation being conducted by the grand jury.

(4) Pursuant to a subpoena, search warrant, or court order in connection with the investigation or prosecution of a possible or alleged criminal offense, the board shall provide information from the database as necessary to comply with the subpoena, search warrant, or court order.

(5) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

(6) On receipt of a request from a pharmacist or the pharmacist's

delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with the administrator of workers' compensation under division (B)(4) of section 4121.44 of the Revised Code and a data security agreement with the board required by section 4121.447 of the Revised Code, the board shall provide to the medical director information from the database relating to a claimant under Chapter 4121., 4123., 4127., or 4131. of the Revised Code assigned to the managed care organization, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, if the administrator of workers' compensation confirms, upon request from the board, that the claimant is assigned to the managed care organization.

(11) On receipt of a request from the administrator of workers' compensation, the board shall provide to the administrator information from the database relating to a claimant under Chapter 4121., 4123., 4127., or

4131. of the Revised Code, including information in the database related to prescriptions for the claimant that were not covered or reimbursed under Chapter 4121., 4123., 4127., or 4131. of the Revised Code.

(12) On receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber information from the database relating to a patient's mother, if the prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to a newborn or infant patient diagnosed as opioid dependent and the prescriber has not been denied access to the database by the board.

(13) On receipt of a request from the director of health, the board shall provide to the director information from the database relating to the duties of the director or the department of health in implementing the Ohio violent death reporting system established under section 3701.93 of the Revised Code.

(14) On receipt of a request from a requestor described in division (A)(1), (2), (5), or (6) of this section who is from or participating with another state's prescription monitoring program, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the

coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(b) As used in division (A)(19)(a) of this section, "responsible person" has the same meaning as in rules adopted by the board under section 4729.26 of the Revised Code.

(20) The board may provide information from the database without request to a prescriber or pharmacist who is authorized to use the database pursuant to this chapter.

(21)(a) On receipt of a request from a prescriber or pharmacist, or the prescriber's or pharmacist's delegate, who is a designated representative of a peer review committee, the board shall provide to the committee information from the database relating to a prescriber who is subject to the committee's evaluation, supervision, or discipline if the information is to be used for one of those purposes. The board shall provide only information that it determines, in accordance with rules adopted under section 4729.84 of the Revised Code, is appropriate to be provided to the committee.

(b) As used in division (A)(21)(a) of this section, "peer review committee" has the same meaning as in section 2305.25 of the Revised Code, except that it includes only a peer review committee of a hospital or a peer review committee of a nonprofit health care corporation that is a member of the hospital or of which the hospital is a member.

(22) On receipt of a request from a requestor described in division (A)(5) or (6) of this section who is from or participating with a prescription monitoring program that is operated by a federal agency and approved by the board, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(23) Any personal health information submitted to the board pursuant to section 4729.772 of the Revised Code may be provided by the board only as authorized by the submitter of the information and in accordance with rules adopted under section 4729.84 of the Revised Code.

(24) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a drug overdose fatality review committee described in section 307.631 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(25) On receipt of a request from a person described in division (A)(5), (6), or (17) of this section who is participating in a suicide fatality review committee described in section 307.641 of the Revised Code, the board may provide to the requestor information from the database, but only if there is a written agreement under which the information is to be used and disseminated according to the laws of this state.

(B) The state board of pharmacy shall maintain a record of each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.86. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(23)~~(25), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code for whom the person is approved by the board to serve as a delegate of the prescriber, pharmacist, or retail dispensary for purposes of requesting and receiving information from the drug database under division (A)(5), (6), or (15) of section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of the Revised Code provides the information to a person who is approved by the board to serve as such a delegate of the prescriber, pharmacist, or retail dispensary;

(d) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code.

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database.

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code.

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding.

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case:

(a) The person violates division (A)(1), (2), or (3) of this section;

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section;

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred;

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database.

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining further information from the drug database without a prior hearing, the board may summarily impose the restriction. A telephone conference call may be used for reviewing the allegations and taking a vote on the summary restriction. The summary restriction shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective.

(3) The board shall determine the extent to which the person is restricted from obtaining further information from the database.

Sec. 4730.43. (A) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient samples of drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following:

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the physician assistant may furnish the sample in the package amount.

(2) No charge may be imposed for the sample or for furnishing it.

(3) Samples of controlled substances may not be personally furnished.

(B) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following:

(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia.

(2) The physician assistant shall not furnish the drugs and devices in locations other than ~~at the following:~~

(a) A health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, ~~a~~;

(b) A federally funded comprehensive primary care clinic, ~~or a~~;

(c) A nonprofit health care clinic or program;

(d) An employer-based clinic that provides health care services to the employer's employees.

(3) The physician assistant shall comply with all standards and procedures for personally furnishing supplies of drugs and devices, as established in rules adopted under section 4730.39 of the Revised Code.

Sec. 4731.152. (A) The state medical board shall appoint a massage therapy advisory council for the purpose of advising the board on issues relating to the practice of massage therapy. The advisory council shall consist of not more than seven individuals knowledgeable in the area of massage therapy.

A majority of the council members shall be individuals licensed to practice massage therapy under this chapter who are actively engaged in the practice of massage therapy. The board shall include all of the following on the council:

(1) One physician who is a member of the state medical board;

(2) One massage therapy educator;

(3) One individual who is not affiliated with any health care profession, who shall be appointed to represent the interest of consumers.

The American massage therapy association, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing the educator member described in division (A)(2) of this section.

Associated bodywork and massage professionals (ABMP), or its successor organization, may nominate not more than three individuals for consideration by the board in appointing any member of the council other than the physician member described in division (A)(1) of this section or the educator member described in division (A)(2) of this section.

(B) Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Initial members shall serve terms of office of one, two, or three years, as selected by the board. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as the term that it succeeds. A council member shall continue in office subsequent to the expiration date of the

member's term until a successor is appointed and takes office, or until a period of sixty days has elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed.

(C) Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in performing their official duties.

(D) The council shall meet at least four times each year and at other times as may be necessary to carry out its responsibilities.

(E) The council may submit to the board recommendations concerning all of the following:

(1) Requirements for issuing a license to practice as a licensed massage therapist, including the educational and experience requirements that must be met to receive the license;

(2) Existing and proposed rules pertaining to the practice of massage therapy and the administration and enforcement of this chapter as it pertains to massage therapy;

(3) Standards for the approval of educational programs required to qualify for licensure;

(4) Policies related to the issuance and renewal of a license to practice massage therapy;

(5) Fees for the issuance and renewal of a license to practice massage therapy;

(6) Standards of practice and ethical conduct in the practice of massage therapy;

(7) The safe and effective practice of massage therapy, including scope of practice and minimal standards of care.

Sec. 4731.22. (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or

certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review committee, or hybrid drug overdose fatality and suicide fatality review committee; does not include providing any information, documents, or reports to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code; does not include written notice to a mental health professional under section 4731.62 of the Revised Code; and does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by section 2305.33 or 4731.62 of the Revised Code upon a physician who makes a report in accordance with section 2305.33 or notifies a mental health professional in accordance with section 4731.62 of the Revised Code. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of

medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;

(16) Failure to pay license renewal fees specified in this chapter;

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a

particular service or business;

(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(19) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills.

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual

affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F)(1)(b) of section 4731.282 of the Revised Code or when civil penalties are imposed under section 4731.225 of the Revised Code, and subject to section 4731.226 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board.

This division does not apply to a violation or attempted violation of, assisting in or abetting the violation of, or a conspiracy to violate, any provision of this chapter or any rule adopted by the board that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(21) The violation of section 3701.79 of the Revised Code or of any abortion rule adopted by the director of health pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the

performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency;

(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license or certificate to practice under this chapter, an individual shall be deemed to have given consent to submit to a mental or physical examination when ordered to do so by the board in writing, and to have waived all objections to the admissibility of testimony or examination reports that constitute privileged communications.

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for licensure or certification to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or certificate or deny the individual's application and shall require

the individual, as a condition for initial, continued, reinstated, or renewed licensure or certification to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license or certificate suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;

(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;

(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or facility with

knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;

(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

(52) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or certificate to practice or certificate to recommend. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice. Any consent agreement entered into under this division with an individual that pertains to a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of that section shall provide for a suspension of the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's license or certificate to practice.

(D) For purposes of divisions (B)(10), (12), and (14) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's

jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the

alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and

other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

- (a) The case number assigned to the complaint or alleged violation;
- (b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed;
- (c) A description of the allegations contained in the complaint;
- (d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing:

- (1) That there is clear and convincing evidence that an individual has violated division (B) of this section;
- (2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A

telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(9), (11), or (13) of this section and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition of that nature and supporting court documents, the board shall reinstate the individual's license or certificate to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (B) of this section.

(I) The license or certificate to practice issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date of the individual's second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code. In addition, the license or certificate to practice or certificate to recommend issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge

or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after suspension shall be considered practicing without a license or certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license or certificate is automatically suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall do whichever of the following is applicable:

(1) If the automatic suspension under this division is for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked.

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4731.33. (A) As used in this section:

(1) "Light-based medical device" means any device that can be made to produce or amplify electromagnetic radiation at wavelengths equal to or greater than one hundred eighty nm but less than or equal to 1.0×10^6 nm and that is manufactured, designed, intended, or promoted for irradiation of any part of the human body for the purpose of affecting the structure or function of the body.

(2) "Physician" means a person authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and

surgery under this chapter.

(3) "On-site supervision" means the supervising physician is physically in the same location as the delegate during the use of a light-based medical device, but does not require the physician to be in the same room. "On-site supervision" includes the supervising physician's presence in the same office suite as the delegate during the use of the device.

(4) "Off-site supervision" means the supervising physician is continuously available for direct communication with the cosmetic therapist during the use of a light-based medical device.

(5) "Direct physical oversight" means the supervising physician is in the same room directly observing the delegate's use of the light-based medical device.

(B) A physician may delegate the application of light-based medical devices for the purpose of hair removal only if all of the following conditions are met:

(1) The light-based medical device has been specifically cleared or approved by the United States food and drug administration for the removal of hair from the human body.

(2) The use of the light-based medical device for the purpose of hair removal is within the physician's normal course of practice and expertise.

(3) The physician has seen and evaluated the patient to determine whether the proposed application of the specific light-based medical device is appropriate.

(4) The physician has seen and evaluated the patient following the initial application of the specific light-based medical device, but before any continuation of treatment, to determine that the patient responded well to that initial application of the specific light-based medical device.

(5) The person to whom the delegation is made is one of the following:

(a) A physician assistant licensed under Chapter 4730. of the Revised Code with whom the physician has an effective supervision agreement;

(b) A person who was licensed as a cosmetic therapist under Chapter 4731. of the Revised Code on April 11, 2021;

(c) A person who has completed a cosmetic therapy course of instruction for a minimum of seven hundred fifty clock hours and received a passing score on the certified laser hair removal professional examination administered by the society for clinical and medical hair removal;

(d) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code.

(C) For delegation to a physician assistant, the delegation must meet the requirements of section 4730.21 of the Revised Code.

(D)(1) For delegation to a person described under division (B)(5)(b) or (c) of this section, the physician shall ensure that the person to whom the delegation is made has received adequate education and training to provide the level of skill and care necessary, including all of the following:

(a) The person has completed eight hours of basic education that includes the following topics:

(i) Light-based procedure physics;

(ii) Tissue interaction in light-based procedures;

(iii) Light-based procedure safety, including use of proper safety equipment;

(iv) Clinical application of light-based procedures;

(v) Preoperative and postoperative care of light-based procedure patients;

(vi) Reporting of adverse events.

(b) The person has observed fifteen procedures for each specific type of light-based medical device procedure for hair removal that the person will perform under the delegation.

(c) The person shall perform at least twenty procedures under the direct physical oversight of the physician on each specific type of light-based medical device procedure for hair removal delegated.

(2) For purposes of division (D)(1)(b) of this section, the procedures observed shall be performed by a physician who uses the specific light-based medical device procedure for hair removal in the physician's normal course of practice and expertise.

(3) For purposes of division (D)(1)(c) of this section, the physician overseeing the performance of these procedures shall use this specific light-based medical device procedure for hair removal within the physician's normal course of practice and expertise.

(4) Each delegating physician and delegate shall document and retain satisfactory completion of training required under division (D) of this section. The education requirement in division (D)(1)(a) of this section shall be completed only once by the delegate regardless of the number of types of specific light-based medical device procedures for hair removal delegated and the number of delegating physicians. The training requirements of divisions (D)(1)(b) and (c) of this section shall be completed by the delegate once for each specific type of light-based medical device procedure for hair removal delegated regardless of the number of delegating physicians.

(E) The following delegates are exempt from the education and training requirements of division (D)(1) of this section:

(1) A person who, before the effective date of this section, has been

applying a light-based medical device for hair removal for at least two years through a lawful delegation by a physician;

(2) A person described under division (B)(5)(b) of this section if the person was authorized to use a light-based medical device under the cosmetic therapist license;

(3) A person described in division (B)(5)(a) or (d) of this section.

(F) For delegation to a person under division (B)(5)(b), (c), or (d) of this section, the physician shall provide on-site supervision at all times that the person to whom the delegation is made is applying the light-based medical device.

A physician shall not supervise more than two delegates under division (B)(5)(b), (c), or (d) of this section at the same time.

(G)(1) Notwithstanding division (F) of this section, a physician may provide off-site supervision when the light-based medical device is applied for the purpose of hair removal to an established patient if the person to whom the delegation is made is a cosmetic therapist who meets all of the following criteria:

(a) The cosmetic therapist has successfully completed a course in the use of light-based medical devices for the purpose of hair removal that has been approved by the delegating physician;

(b) The course consisted of at least fifty hours of training, at least thirty hours of which was clinical experience;

(c) The cosmetic therapist has worked under the on-site supervision of the delegating physician for a sufficient period of time that the physician is satisfied that the cosmetic therapist is capable of competently performing the service with off-site supervision.

(2) The cosmetic therapist shall maintain documentation of the successful completion of the required training.

(H) A delegate under this section shall immediately report to the supervising physician any clinically significant side effect following the application of the light-based medical device or any failure of the treatment to progress as was expected at the time the delegation was made. The physician shall see and personally evaluate the patient who has experienced the clinically significant side effect or whose treatment is not progressing as expected as soon as practicable.

(I) No physician shall fail to comply with division (A), (B), (G), or (H) of this section. A violation of this division constitutes a departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established, under division (B)(6) of section 4731.22 of the

Revised Code.

(J) No physician shall delegate the application of light-based medical devices for the purpose of hair removal to a person who is not listed in division (B)(5) of this section. A violation of this division constitutes violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate section 4731.41 of the Revised Code for purposes of division (B)(20) of section 4731.22 of the Revised Code.

(K) No cosmetic therapist to whom a delegation is made under division (B)(5)(b) or (c) of this section shall fail to comply with division (G) or (H) of this section. A violation of this division constitutes the unauthorized practice of medicine pursuant to section 4731.41 of the Revised Code.

(L) No physician assistant shall fail to comply with division (H) of this section. A violation of this division constitutes a departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to patient is established, for purposes of division (B)(19) of section 4730.25 of the Revised Code.

Sec. 4731.90. A physician who has established a protocol that meets the requirements of section 4729.284 of the Revised Code and the rules adopted under that section may authorize one or more pharmacists to use the protocol for the purpose of dispensing nicotine replacement therapy under section 4729.284 of the Revised Code.

Sec. 4735.05. (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the commission, or the director may designate any employee of the department as superintendent of real estate and professional licensing to act as executive officer of the commission.

The commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code shall each submit to the director a list of three persons whom the commission and the board consider qualified to be superintendent within sixty days after the office of superintendent becomes vacant. The director shall appoint a superintendent from the lists submitted by the commission and the board, and the superintendent shall serve at the pleasure of the director.

(B) The superintendent, except as otherwise provided, shall do all of the following in regard to this chapter:

- (1) Administer this chapter;
- (2) Issue all orders necessary to implement this chapter;

(3) Investigate complaints concerning the violation of this chapter or the conduct of any licensee;

(4) Establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The investigators or auditors have the right to review and audit the business records of licensees and continuing education course providers during normal business hours.

(5) Appoint a hearing examiner for any proceeding involving disciplinary action under section 3123.47, 4735.052, or 4735.18 of the Revised Code;

(6) Administer the real estate recovery fund.

(C) The superintendent may do all of the following:

(1) In connection with investigations and audits under division (B) of this section, subpoena witnesses as provided in section 4735.04 of the Revised Code;

(2) Apply to the appropriate court to enjoin any violation of this chapter. Upon a showing by the superintendent that any person has violated or is about to violate any provision of this chapter, the court shall grant an injunction, restraining order, or other appropriate order.

(3) Upon Recommend the appointment of an ancillary trustee who is qualified as determined by the superintendent in any of the following instances:

(a) Upon the death of a licensed broker or the revocation or suspension of the broker's license, if there is no other licensed broker within the business entity of the broker brokerage, appoint upon application by any interested party, or, in the case of a deceased broker, subject to the approval by the appropriate probate court, recommend the appointment of, an ancillary trustee who is qualified as determined by the superintendent to conclude the business transactions of the deceased, revoked, or suspended broker;

(b) Upon the revocation of a licensed broker, if there is no other licensed broker within the brokerage, to conclude the business transactions of the revoked broker;

(c) Upon the incapacitation, suspension, or incarceration of a licensed broker, if there is no other licensed broker within the brokerage, to continue the business transactions of the brokerage for a period of time not to exceed the period of incapacitation, suspension, or incarceration.

(4) In conjunction with the enforcement of this chapter, when the superintendent of real estate has reasonable cause to believe that an

applicant or licensee has committed a criminal offense, the superintendent of real estate may request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant or licensee. The superintendent of the bureau of criminal identification and investigation shall obtain information from the federal bureau of investigation as part of the criminal records check of the applicant or licensee. The superintendent of real estate may assess the applicant or licensee a fee equal to the fee assessed for the criminal records check.

(5) In conjunction with the enforcement of this chapter, issue advisory letters in lieu of initiating disciplinary action under section 4735.051 or 4735.052 of the Revised Code or issuing a citation under section 4735.16 or 4735.181 of the Revised Code.

(D) All information that is obtained by investigators and auditors performing investigations or conducting inspections, audits, and other inquiries pursuant to division (B)(4) of this section, from licensees, complainants, or other persons, and all reports, documents, and other work products that arise from that information and that are prepared by the investigators, auditors, or other personnel of the department, shall be held in confidence by the superintendent, the investigators and auditors, and other personnel of the department. Notwithstanding division (D) of section 2317.023 of the Revised Code, all information obtained by investigators or auditors from an informal mediation meeting held pursuant to section 4735.051 of the Revised Code, including but not limited to the agreement to mediate and the accommodation agreement, shall be held in confidence by the superintendent, investigators, auditors, and other personnel of the department.

(E) This section does not prevent the division of real estate and professional licensing from releasing information relating to licensees to the superintendent of financial institutions for purposes relating to the administration of Chapter 1322. of the Revised Code, to the superintendent of insurance for purposes relating to the administration of Chapter 3953. of the Revised Code, to the attorney general, or to local law enforcement agencies and local prosecutors. Information released by the division pursuant to this section remains confidential.

Sec. 4735.14. (A) Each license issued under this chapter, shall be valid without further recommendation or examination until it is placed in an inactive or resigned status, is revoked or suspended, or such license expires by operation of law.

(B) Except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each

licensed broker, brokerage, or salesperson shall file, on or before the date the Ohio real estate commission has adopted by rule for that licensee in accordance with division (A)(2)(f) of section 4735.10 of the Revised Code, a notice of renewal on a form prescribed by the superintendent of real estate. The notice of renewal shall be mailed by the superintendent two months prior to the filing deadline to the personal residence address of each broker or salesperson that is on file with the division. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the notice of renewal shall be mailed by the superintendent two months prior to the filing deadline to the brokerage's business address on file with the division. A licensee shall not renew the licensee's license any earlier than two months prior to the filing deadline.

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful renewal

available electronically to licensees as soon as practicable, but not later than thirty days after receipt by the division of a complete application and renewal fee. This notice shall serve as a notice of renewal for purposes of section 4745.02 of the Revised Code.

Sec. 4735.15. (A) The nonrefundable fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company, limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.

(2) Reactivation or transfer of a license by a real estate salesperson, thirty-four dollars.

(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees are as follows for each licensing period:

(1) Branch office license, twenty dollars;

(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.

(3) Renewal of a three-year real estate salesperson's license, one hundred eighty-two dollars;

(4) Renewal of a real estate broker's or salesperson's license filed within twelve months after the licensee's renewal date, an additional late filing penalty of fifty per cent of the required three-year fee;

(5) Foreign real estate dealer's license and each renewal of the license, thirty dollars per salesperson employed by the dealer, but not less than two hundred three dollars;

(6) Foreign real estate salesperson's license and each renewal of the license, sixty-eight dollars.

(C) All fees collected under this section shall be paid to the treasurer of state. One dollar of each such fee shall be credited to the real estate education and research fund, except that for fees that are assessed only once every three years, ~~three dollars~~ one dollar and fifty cents of each triennial fee shall be credited to the real estate education and research fund.

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

Sec. 4735.211. All fines imposed under section 4735.051 of the Revised Code, and all fees and charges collected under sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 4735.28, and 4735.29 of the Revised Code, except such fees as are paid to the real estate education and research fund and real estate recovery fund as provided in this chapter, shall be paid into the state treasury to the credit of the division of real estate operating fund, which is hereby created. All operating expenses of the division of real estate shall be paid from the division of real estate operating fund.

The division of real estate operating fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce ~~and approved by the director of budget and management~~. Such assessments shall be paid from the division of real estate operating fund to the division of administration fund.

If funds in the division of real estate operating fund are determined by the director of commerce to be in excess of those necessary to fund all the expenses of the division in any biennium, the director may pay the excess funds to the real estate education and research fund.

Sec. 4743.10. (A) As used in this section:

(1) "Health care service" means medical care provided to any patient at any time over the entire course of the patient's treatment and may include one or more of the following: testing; diagnosis; referral; dispensing or administering a drug, medication, or device; psychological therapy or counseling; research; prognosis; therapy; record making procedures and notes related to treatment; preparation for or performance of a surgery or procedure; or any other care or services performed or provided by any

medical practitioner.

(2) "Medical practitioner" means any person who facilitates or participates in the provision of health care services, including nursing, physician services, counseling and social work, psychological and psychiatric services, research services, surgical services, laboratory services, and the provision of pharmaceuticals and may include any of the following: any student or faculty at a medical, nursing, mental health, or counseling institution of higher education or an allied health professional, paraprofessional, or employee or contractor of a health care institution.

(3) "Participation in a health care service" means to provide, perform, assist with, facilitate, refer for, counsel for, advise with regard to, admit for the purposes of providing, or take part in any way in providing, any health care service.

(B) Notwithstanding any conflicting provision of the Revised Code, a medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.

(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict.

When a medical practitioner becomes aware of the conflict, the medical practitioner shall notify the practitioner's supervisor, if applicable, and request to be excused from participating in the particular health care service that conflicts with the practitioner's beliefs or convictions.

When possible and when the medical practitioner is willing, the medical practitioner shall seek to transfer the patient to a colleague who will provide the requested health care service.

If participation in a transfer of care for a particular health care service violates the medical practitioner's beliefs or convictions or no willing colleague is identified, the patient shall be notified and provided the opportunity to seek an alternate medical practitioner. Upon patient request, the patient's medical records shall be promptly released to the patient.

The medical practitioner is responsible for providing all appropriate health care services, other than the particular health care service that conflicts with the medical practitioner's beliefs or convictions, until another

medical practitioner or facility is available.

(D) A medical practitioner, health care institution, or health care payer shall not be civilly, criminally, or administratively liable for exercising the practitioner's, institution's, or payer's right of conscience by declining to participate in or pay for a particular health care service.

A health care institution shall not be civilly, criminally, or administratively liable for the exercise of conscience rights not to participate in a particular health care service by a medical practitioner who is employed by, under contract with, or granted admitting privileges by the health care institution.

A medical practitioner, health care institution, or health care payer shall not be discriminated against or suffer any other adverse action as a result of declining to participate in or pay for a particular health care service on the basis of conscience.

(E) Unless specifically prohibited by law, a medical practitioner shall not be discriminated against or suffer any adverse action for disclosing any information that the medical practitioner reasonably believes evinces any violation of this section or any other law, rule, or regulation; any violation of any standard of care or other ethical guidelines for the provision of any health care service; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(F) A civil action for damages, injunctive relief, or any other appropriate relief may be brought by any medical practitioner, health care institution, or health care payer for any violation of any provision of this section.

Upon a finding of a violation of the rights of conscience in this section, a court shall award threefold the actual damages sustained and reasonable costs and attorney's fees. A court considering such civil action may also award injunctive relief, which may include reinstatement of a medical practitioner to the practitioner's previous position, reinstatement of board certification, and relicensure of a health care institution or health care payer.

(G) This section shall not be construed to override the requirement to provide emergency medical treatment to all patients as set forth in 42 U.S.C. § 1395dd.

(H) With respect to the right of a health care payer to decline to pay for a health care service as established in division (B) of this section, the payer's right to decline applies only to payments and health care services for which a contract has been entered into between the payer and policyholder on or after the effective date of this section.

Sec. 4755.01. (A) There is hereby created the Ohio occupational

therapy, physical therapy, and athletic trainers board consisting of sixteen residents of this state, who shall be appointed by the governor with the advice and consent of the senate. The board shall be composed of a physical therapy section, an occupational therapy section, and an athletic trainers section.

(1) Five members of the board shall be physical therapists who are licensed to practice physical therapy and who have been engaged in or actively associated with the practice of physical therapy in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the physical therapy section. The physical therapy section also shall consist of four additional members, appointed by the governor with the advice and consent of the senate, who satisfy the same qualifications as the members of the board sitting on the physical therapy section, but who are not members of the board. Of the additional physical therapy section members whose terms commence on August 28, 2007, one shall be for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Such additional members of the physical therapy section are vested with only such powers and shall perform only such duties as relate to the affairs of that section.

(2) Four members of the board shall be occupational therapists and one member shall be a licensed occupational therapy assistant, all of whom have been engaged in or actively associated with the practice of occupational therapy or practice as an occupational therapy assistant in this state for at least five years immediately preceding appointment. Such members of the board shall sit on the occupational therapy section.

(3) Four members of the board shall be athletic trainers who have been engaged in the practice of athletic training in Ohio for at least five years immediately preceding appointment. One member of the board shall be a physician licensed to practice medicine and surgery in this state. Such members of the board shall sit on the athletic trainers section.

(4) One member of the board shall represent the public. This member shall sit on the board and shall attend each year at least three meetings of the physical therapy section, three meetings of the occupational therapy section, and three meetings of the athletic trainers section.

(B) Except for the terms of office specified in division (A)(1) of this section for the additional members of the physical therapy section commencing on August 28, 2007, terms for the members of the board and the additional members of the physical therapy section are for three years. Each member's term shall commence on the twenty-eighth day of August and end on the twenty-seventh day of August. Each member shall serve

subsequent to the expiration of the member's term until the member's successor is appointed and qualifies, or until a period of ~~sixty~~ ninety days has elapsed, whichever occurs first. A member shall not serve for more than three consecutive terms. All vacancies shall be filled in the manner prescribed for the regular appointments and are limited to the unexpired terms.

(C) Each member of the board and each additional member of the physical therapy section, before entering upon the official duties of office, shall do both of the following:

(1) Subscribe to and file with the secretary of state the constitutional oath of office;

(2) Sign and file with the executive director of the board a notarized statement that the member has read and understands sections 121.22 and 149.43 of the Revised Code and the provisions of Chapter 119. of the Revised Code that are applicable to the duties of the board.

(D) Annually, upon the qualification of the member or members appointed in that year, the board shall organize by selecting from its members a president and secretary. Each section of the board shall independently organize by selecting from its members a chairperson and secretary.

(E) A majority of the members of the board constitutes a quorum to transact and vote on the business of the board. A majority of the members of each section constitutes a quorum to transact and vote on the affairs of that section.

(F) Each member of the board and each additional member of the physical therapy section shall receive an amount fixed pursuant to division (J) of section 124.15 of the Revised Code for each day employed in the discharge of official duties. In addition, each member of the board and each additional member of the physical therapy section shall receive the member's actual and necessary expenses incurred in the performance of official duties.

(G) The board of trustees of the Ohio occupational therapy association may recommend, after any term expires or vacancy occurs in an occupational therapy position, at least three persons to fill each such position or vacancy on the board, and the governor may make the appointment from the persons so recommended. The executive board of the Ohio chapter of the American physical therapy association may recommend, after any term expires or vacancy occurs in a physical therapy position, at least three persons to fill each such vacancy on the board, and the governor may make appointments from the persons so recommended. The Ohio

athletic trainers association shall recommend to the governor at least three persons when any term expires or any vacancy occurs in an athletic trainer position. The governor may select one of the association's recommendations in making such an appointment.

(H) The board shall meet as a whole to determine all administrative, personnel, and budgetary matters. The executive director of the board appointed by the board shall not be a physical therapist, an occupational therapist, or an athletic trainer who has been licensed to practice physical therapy, occupational therapy, or as an athletic trainer in this state within three years immediately preceding appointment. The executive director shall execute, under the direction of the board, the policies, orders, directives, and administrative functions of the board and shall direct, under rules adopted by the board, the work of all persons employed by the board. Upon the request of the board, the executive director shall report to the board on any matter. The executive director shall serve at the pleasure of the board.

(I) The occupational therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of occupational therapy and, in particular, the examination of applicants, the issuance of licenses ~~and limited permits~~, and the suspension or revocation of licenses ~~and limited permits~~ to practice as an occupational therapist or occupational therapy assistant. The physical therapy section of the board shall have the authority to act on behalf of the board on matters concerning the practice of physical therapy and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants, physical therapists, and physical therapist assistants. The athletic trainers section of the board shall have the authority to act on behalf of the board on matters concerning the practice of athletic training and, in particular, the examination, licensure, and suspension or revocation of licensure of applicants and athletic trainers. All actions taken by any section of the board under this division shall be in accordance with Chapter 119. of the Revised Code.

Sec. 4755.02. (A) The appropriate section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall investigate compliance with this chapter or any rule or order issued under this chapter and shall investigate alleged grounds for the suspension, revocation, or refusal to issue or renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 4755.47, or 4755.64 of the Revised Code. The appropriate section may subpoena witnesses and documents in connection with its investigations.

(B) Through the attorney general or an appropriate prosecuting attorney,

the appropriate section may apply to an appropriate court for an order enjoining the violation of this chapter. On the filing of a verified petition, the court shall conduct a hearing on the petition and give the same preference to the proceeding as is given to all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the court's calendar. On a showing that a person has violated or is about to violate this chapter, the court shall grant an injunction, restraining order, or other order as appropriate. The injunction proceedings provided by this division are in addition to all penalties and other remedies provided in this chapter.

(C) When requested by the appropriate section, the prosecuting attorney of a county, or the village solicitor or city director of law of a municipal corporation, where a violation of this chapter allegedly occurs, shall take charge of and conduct the prosecution.

(D) The appropriate section may employ investigators who shall investigate complaints, conduct inspections, and make inquiries as in the judgment of the section are appropriate to enforce sections 3123.41 to 3123.50 of the Revised Code or this chapter. These investigators have the right to review, obtain copies, and audit the patient records and personnel files of licensees ~~and limited permit holders~~ at the place of business of the licensees ~~or limited permit holders~~ or any other place where such documents may be and shall be given access to such documents during normal business hours.

(E)(1) Subject to division (E)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that

confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

(F) The appropriate section shall conduct hearings, keep records and minutes, and enforce the relevant sections of this chapter.

(G) Each section of the board shall publish and make available, upon request and for a fee not to exceed the actual cost of printing and mailing, the licensure standards prescribed by the relevant sections of this chapter and the Administrative Code.

(H) The board shall submit to the governor and to the general assembly each year a report of all its official actions during the preceding year, together with any recommendations and findings with regard to the status of the professions of physical therapy, occupational therapy, and athletic training.

Sec. 4755.04. As used in sections 4755.04 to 4755.13 and section 4755.99 of the Revised Code:

(A) "Occupational therapy" means the therapeutic use of everyday life activities or occupations with individuals or groups for the purpose of participation in roles and situations in the home, school, workplace, community, and other settings. The practice of occupational therapy includes all of the following:

(1) Methods or strategies selected to direct the process of interventions, including, but not limited to, establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired and compensation, modification, or adaptation of activity or environment to enhance performance;

(2) Evaluation of factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, sensory motor abilities, vision, perception, cognition, psychosocial, and communication and interaction skills;

(3) Interventions and procedures to promote or enhance safety and performance in activities of daily living, education, work, play, leisure, and social participation, including, but not limited to, application of physical agent modalities, use of a range of specific therapeutic procedures to enhance performance skills, rehabilitation of driving skills to facilitate community mobility, and management of feeding, eating, and swallowing to

enable eating and feeding performance;

(4) Consultative services, case management, and education of patients, clients, or other individuals to promote self-management, home management, and community and work reintegration;

(5) Designing, fabricating, applying, recommending, and instructing in the use of selected orthotic or prosthetic devices and other equipment which assists the individual to adapt to the individual's potential or actual impairment;

(6) Administration of topical drugs that have been prescribed by a licensed health professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

(B) "Occupational therapist" means a person who is licensed ~~or holds a limited permit~~ to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or any similar title or description of services.

(C) "Occupational therapy assistant" means a person who holds a license ~~or limited permit~~ to provide occupational therapy techniques under the general supervision of an occupational therapist.

Sec. 4755.05. No person who does not hold a current license ~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised Code shall practice or offer to practice occupational therapy, or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is an occupational therapist or an occupational therapy assistant. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current license ~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised Code is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

Sec. 4755.06. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may make reasonable rules in accordance with Chapter 119. of the Revised Code relating to, but not limited to, the following:

(A) The form and manner for filing applications for licensure under sections 4755.04 to 4755.13 of the Revised Code;

(B) The issuance, suspension, and revocation of the licenses and the conducting of investigations and hearings;

(C) Standards for approval of courses of study relative to the practice of occupational therapy;

(D) The time and form of examination for the licensure;

(E) Standards of ethical conduct in the practice of occupational therapy;
(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;

(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;

~~(H) Placing an existing license in escrow;~~

~~(I)~~ (H) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;

~~(J) Guidelines for limited permits;~~

~~(K)~~ (I) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

~~(L)~~ (J) Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;

~~(M)~~ (K) The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.

The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty and truthfulness of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.

Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license to every applicant who has passed the appropriate examination designated by the section and who otherwise complies with the licensure requirements of sections 4755.04 to 4755.13 of the Revised Code. The license entitles the holder to practice occupational therapy or to assist in the practice of occupational therapy. The licensee shall display the license in a conspicuous place at the licensee's principal place of business.

~~The section may issue a limited permit to persons who have satisfied the requirements of divisions (A) and (B) of section 4755.07 of the Revised Code. This permit allows the person to practice as an occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist and is valid until the date on which the results of the examination are made public. This limited permit shall not be renewed if the applicant has failed the examination.~~

Sec. 4755.11. (A) In accordance with Chapter 119. of the Revised Code, the occupational therapy section of the Ohio occupational therapy, physical

therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an occupational therapist license; or occupational therapy assistant license, ~~occupational therapist limited permit, occupational therapy assistant limited permit,~~ or may reprimand, fine, place a license ~~or limited permit~~ holder on probation, or require the license ~~or limited permit~~ holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;

(3) Violation of any lawful order or rule of the occupational therapy section;

(4) Obtaining or attempting to obtain a license ~~or limited permit~~ issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;

(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;

(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;

(7) Communicating, without authorization, information received in professional confidence;

(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist; or occupational therapy assistant; ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;~~

(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;

(10) Failing the licensing or Ohio jurisprudence examination;

(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(13) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to

receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, ~~or occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~ without a current and valid license ~~or limited permit~~ issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees ~~or limited permit holders~~, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, ~~or licensee, or limited permit holder~~ is incompetent for the purpose of holding a license ~~or limited permit~~ and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;

(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license ~~or limited permit~~ to practice;

(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;

(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The occupational therapy section shall not refuse to issue a license ~~or limited permit~~ to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.

(D) Except as provided in division (E) of this section, the suspension or revocation of a license ~~or limited permit~~ under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.

When a license ~~or limited permit~~ is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement.

When a license ~~or limited permit~~ holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) On receipt of a complaint that a person who holds a license ~~or limited permit~~ issued by the occupational therapy section has committed any

of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license ~~or limited permit~~ prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee ~~or limited permit holder~~ poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license ~~or limited permit~~ under this division, the section shall issue a written order of summary suspension to the licensee ~~or limited permit holder~~ in accordance with section 119.07 of the Revised Code. If the individual whose license ~~or limited permit~~ is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license ~~or limited permit~~. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(F) If any person other than a person who holds a license ~~or limited permit~~ issued under section 4755.08 of the Revised Code has engaged in any practice that is prohibited under sections 4755.04 to 4755.13 of the Revised Code or the rules of the occupational therapy section, the section may apply to the court of common pleas of the county in which the violation occurred, for an injunction or other appropriate order restraining this conduct, and the court shall issue this order.

Sec. 4755.12. (A) The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may charge any or all of the following fees:

- (1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;
- (2) An application fee for an initial license;
- (3) An initial licensure fee;
- (4) A fee for biennial renewal of a license;
- (5) A fee for late renewal of a license;

(6) A fee for the review of continuing education activities;

~~(7) A fee for a limited permit;~~

~~(8) A fee for verification of a license.~~

~~(B) Any person who is qualified to practice occupational therapy as certified by the section, but who is not in the active practice, as defined by section rule, may register with the section as a nonactive licensee at a biennial fee.~~

~~(C)~~ The section may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.

~~(D)~~~~(C)~~ Except when all or part of a fee is waived under division ~~(C)~~~~(B)~~ of this section, the amount charged by the occupational therapy section for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.

Sec. 4755.42. (A) Each person ~~who desires to practice~~ seeking licensure as a physical therapy therapist shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

(1) Name;

(2) Current address;

~~(3) Physical description and photograph;~~

~~(4) Proof of completion of graduation from a master's or doctorate professional physical therapy program of physical therapy education that is accredited by a national physical therapy accreditation agency recognized approved by the United States department of education and that includes:~~

~~(a) A minimum of one hundred twenty academic semester credits or its equivalent, including courses in the biological and other physical sciences;~~

~~(b) A course in physical therapy education that has provided instruction in basic sciences, clinical sciences, and physical therapy theory and procedures~~ physical therapy section.

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C) The physical therapy section shall approve an ~~application~~ applicant to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(1) Requested documents relevant to the section's evaluation of the application;

(2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee to the applicant.

Sec. 4755.421. (A) Each ~~applicant~~ person seeking licensure as a physical therapist assistant shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

- (1) Name;
- (2) Current address;
- (3) ~~Physical description and photograph;~~

(4) ~~Proof of completion of graduation from a professional physical therapist assistant program of education~~ that is accredited by a national physical therapy accreditation agency ~~recognized~~ approved by the ~~United States department of education~~ physical therapy section.

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C)(1) The physical therapy section shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(a) Requested documents relevant to the section's evaluation of the application;

(b) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(2) If the section fails to comply with division (C)(1) of this section, the section shall refund half of the application fee to the applicant.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board may, except as provided in division (B) of this section, refuse to grant a license to an applicant for an initial or renewed license as a physical therapist or physical therapist assistant or, by an affirmative vote of not less than five members, may limit, suspend, or revoke the license of a physical therapist or physical therapist assistant or

reprimand, fine, place a license holder on probation, or require the license holder to take corrective action courses, on any of the following grounds:

(1) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol to an extent that affects the individual's professional competency;

(2) Conviction of a felony or a crime involving moral turpitude, regardless of the state or country in which the conviction occurred;

(3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement;

(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;

(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;

(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;

(11) Willful betrayal of a professional confidence;

(12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;

(13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;

(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;

(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;

(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;

(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;

(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;

(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;

(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction

issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether ~~the contact or verbal behavior~~ it is consensual, engaging in any of the following with a patient other than the spouse of the physical therapist or physical therapist assistant, ~~in any of the following~~:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

~~(b)~~(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;

(27) Except as provided in division (C) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.

(28) Violation of any section of this chapter or rule adopted under it.

(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request.

(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section.

(D) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of

revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice.

(E) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision.

(F) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section votes to suspend a license under this division, the physical therapy section shall issue a written order of summary suspension to the person in accordance with section 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section pursuant to division (A) of this section becomes effective. The physical therapy section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the public

by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code.

(D) No person who practices physical therapy or assists in the provision of physical therapy treatments under the supervision of a physical therapist shall fail to display the person's current license granted under sections 4755.40 to 4755.56 of the Revised Code in a conspicuous location in the place where the person spends the major part of the person's time so engaged.

(E) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall affect or interfere with the performance of the duties of any physical therapist or physical therapist assistant in active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States, while so serving.

(F) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person is designated by a title that clearly indicates the person's status as a student.

(G)(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

- (a) A member of the athletic team;
- (b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;
- (c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G)(1) of this section, the person shall not do either of the following:

(a) Provide physical therapy at a health care facility;

(b) Provide physical therapy for more than sixty days in a calendar year.

(3) The limitations described in divisions (G)(1) and (2) of this section do not apply to a person who is practicing in accordance with the compact privilege granted by this state through the "Physical Therapy Licensure Compact" entered into under section 4755.57 of the Revised Code.

(H)(1) Except as provided in division (H)(2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:

(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;

(b) Practice as a physician assistant;

(c) Practice nursing as an advanced practice registered nurse.

(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency ~~recognized~~ approved by the ~~United States department of education~~ physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board.

(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H)(1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice.

(J) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license

to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused.

Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board may suspend, revoke, or, except as provided in division (B) of this section, refuse to issue or renew an athletic trainers license, or reprimand, fine, or place a licensee on probation, for any of the following:

(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;

(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;

(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;

(4) Negligence or gross misconduct in the practice of athletic training;

(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;

(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;

(7) Practicing in an area of athletic training for which the individual is untrained, incompetent, or practicing without the referral of a practitioner licensed under Chapter 4731. of the Revised Code, a dentist licensed under Chapter 4715. of the Revised Code, a chiropractor licensed under Chapter 4734. of the Revised Code, or a physical therapist licensed under this chapter;

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(13) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the athletic trainer:

(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The athletic trainers section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(D) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(E) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate

dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.

(B) The board shall adopt rules that do all of the following:

(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(3) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(4) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;

(5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code;

(6) Provide for voluntary registration of all of the following:

(a) Master's level counselor trainees enrolled in practice and internships;

(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;

(c) Master's level marriage and family therapist trainees enrolled in practice and internships.

(7) In the case of an individual who is voluntarily registered as a trainee under division (B)(6) of this section and who has graduated but not yet completed all requirements for licensure, provide for an extension of the individual's registration for a period of six months beginning on the date of the individual's graduation.

(8) Establish a schedule of deadlines for renewal.

(C) Rules adopted under division (B)(6) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board.

(D) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling,

social work, or marriage and family therapy.

Sec. 4763.15. Except for moneys required to be transferred into the real estate appraiser recovery fund pursuant to section 4763.16 of the Revised Code or as required pursuant to this section, the superintendent of real estate may deposit all fees collected under this chapter into the state treasury to the credit of the real estate appraiser operating fund, which is hereby created. All operating expenses of the real estate appraiser board and the superintendent of real estate relating to the administration and enforcement of this chapter and Chapter 4768. of the Revised Code shall be paid from this fund. The fund shall be assessed a proportionate share of the administrative cost of the department of commerce in accordance with procedures prescribed by the director of commerce ~~and approved by the director of budget and management,~~ and the assessment shall be paid from the operating fund to the division of administration fund.

If, in any biennium, the director of commerce determines that moneys in the operating fund exceed those necessary to fund the activities of the board and of the superintendent of real estate that relate to this chapter and Chapter 4768. of the Revised Code, the director may pay the excess funds to the real estate appraiser recovery fund.

Sec. 4779.28. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board ~~may~~, pursuant to an adjudication under Chapter 119. of the Revised Code, and except as provided in division (B) of this section, may limit, revoke, or suspend a license issued under this chapter, may refuse to issue a license to an applicant, or may reprimand ~~or fine~~, place a license holder on probation ~~a~~, or may require the license holder to take corrective action courses, for any of the following reasons:

- (1) Conviction of, or a plea of guilty to, a misdemeanor or felony involving moral turpitude;
- (2) Any violation of this chapter;
- (3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;
- (4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;
- (5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;
- (6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;
- (7) Obtaining or attempting to obtain money or anything of value by

fraudulent misrepresentation in the course of practice;

(8) Publishing a false, fraudulent, deceptive, or misleading statement;

(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter;

(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay;

(11) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including orthotics, prosthetics, or pedorthics, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;

(12) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the orthotist, prosthetist, orthotist-prosthetist, or pedorthist:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code;

(b) Sexual conduct, as defined in section 2907.01 of the Revised Code;

(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.

(B) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(C) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony.

Sec. 4779.281. A person sanctioned under section 4779.28 of the Revised Code shall pay a fee in the amount of the actual cost of the administrative hearing, including the cost of the court reporter, the hearing officer, transcripts, and any witness fees for lodging and travel, as determined by the Ohio occupational therapy, physical therapy, and athletic trainers board. The fee shall be collected by the board.

Sec. 4779.33. (A) The Ohio occupational therapy, physical therapy, and athletic trainers board shall enforce the laws relating to the practice of orthotics, prosthetics, and pedorthics. If the ~~secretary of the~~ board has

knowledge of a violation, the ~~secretary~~ board shall investigate the violation and notify the prosecuting attorney of the proper county.

(B)(1) Subject to division (B)(2) of this section, information and records received or generated by the board pursuant to an investigation are confidential, are not public records as defined in section 149.43 of the Revised Code, and are not subject to discovery in any civil or administrative action.

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the division of industrial compliance establishes

pursuant to this section.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the division of industrial compliance, any building department or personnel of any department, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the division of industrial compliance establishes pursuant to this section.

(4) Govern the training, experience, and education requirements for manufactured housing installers;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;

(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the division's expenses incurred in implementing this chapter;

(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;

(9) Govern the investigation of complaints concerning any complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license;

(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.

(11) Establish the requirements and procedures for the certification of building departments and building department personnel pursuant to section

4781.07 of the Revised Code;

(12) Establish fees to be charged to building departments and building department personnel applying for certification and renewal of certification pursuant to section 4781.07 of the Revised Code;

(13) Develop a policy regarding the maintenance of records for any inspection authorized or conducted pursuant to this chapter. Any record maintained under division (A)(13) of this section shall be a public record under section 149.43 of the Revised Code.

(B) The division of industrial compliance shall do all of the following:

(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;

(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;

(10) Determine appropriate disciplinary actions for violations of this chapter;

(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The division, or any person the division employs for the purpose, may review and audit the business records of any manufactured housing installer during normal business hours.

(12) Approve an installation training course, which may be offered by

the Ohio manufactured homes association or other entity.

(C) Nothing in this section, or in any rule adopted by the division of industrial compliance, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.

(D) The department of commerce, division of real estate and professional licensing may adopt rules pursuant to Chapter 119. of the Revised Code necessary for administration of the provisions of this chapter related to manufactured home dealers, brokers, and salespersons.

Sec. 4781.07. (A) Pursuant to rules the division of industrial compliance adopts, the division may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years.

(B) Following an investigation and finding of facts that support its action, the division of industrial compliance may revoke or suspend certification. The division may initiate an investigation on the division's own motion or the petition of a person affected by the enforcement or approval of plans.

(C)(1) If a township, municipal corporation, or county does not have a building department that is certified pursuant to this section, it may designate by resolution or ordinance another building department that has been certified pursuant to this section to exercise the ~~commission's~~ division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. The designation is effective upon acceptance by the designee.

(2) An owner of a manufactured home or an operator of a manufactured home park may request an inspection and obtain an approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

Sec. 4781.281. (A) The ~~manufactured homes commission~~ division of

industrial compliance may charge a fee for inspector certification. The fees shall include all of the following:

(1) The nonrefundable certification fee for inspectors shall not be greater than fifty dollars for each three-year certification period.

(2) The nonrefundable certification renewal fee for inspectors shall not be greater than fifty dollars.

(3) The nonrefundable late fee for certification renewal shall not be greater than twenty-five dollars in addition to the renewal fee.

(B) The ~~commission~~ division may adopt rules pursuant to Chapter 119. of the Revised Code establishing fees less than those described in division (A) of this section.

Sec. 4781.56. (A) The ~~manufactured homes commission~~ division of industrial compliance may contract with the board of health of a city or general health district to permit the ~~commission~~ division to abate and remove, in accordance with sections 3707.01 to 3707.021 of the Revised Code, any abandoned or unoccupied manufactured home, mobile home, or recreational vehicle that constitutes a nuisance and that is located in a manufactured home park within the board of health's jurisdiction. Under the contract, the ~~commission~~ division may receive complaints of abandoned or unoccupied manufactured homes, mobile homes, or recreational vehicles that constitute a nuisance and may, by order, compel the park operator to abate and remove the nuisance. The park operator shall pay any costs for the removal.

(B) The sheriff, police officer, constable, or bailiff shall not be liable pursuant to the abatement or removal of any abandoned or unoccupied manufactured home, mobile home, or recreational vehicle pursuant to this section.

Sec. 4781.57. The park operator of a manufactured home park shall ensure that all manufactured home park buildings, lots, streets, walkways, manufactured homes, mobile homes, and other facilities located in the manufactured home park shall be maintained in a condition satisfactory to the ~~commission~~ division at all times.

Sec. 4901.10. The office of the public utilities commission shall be at the seat of government in Columbus, in suitable quarters provided by the state, and shall be open ~~between eight thirty a.m. and five thirty p.m.~~ throughout the year, Saturdays, Sundays, and legal holidays excepted. The commission shall hold its sessions at least once in each calendar month in Columbus, but also may meet at such other times and places as are necessary for the proper performance of its duties. For the purpose of holding sessions in places other than the seat of government, the

commission may rent quarters or offices, the expense of which, in connection therewith, shall be paid in the same manner as other authorized expenses.

Sec. 4906.02. (A) There is hereby created within the public utilities commission the power siting board, composed of the ~~chairman~~ chairperson of the public utilities commission, the director of environmental protection, the director of health, the director of development, the director of natural resources, the director of agriculture, and a representative of the public who shall be an engineer and shall be appointed by the governor, from a list of three nominees submitted to the governor by the office of the consumers' counsel, with the advice and consent of the senate and shall serve for a term of four years. The ~~chairman~~ chairperson of the public utilities commission shall be ~~chairman~~ chairperson of the board and its chief executive officer. The ~~chairman~~ chairperson shall designate one of the voting members of the board to act as ~~vice-chairman~~ vice-chairperson who shall possess during the absence or disability of the ~~chairman~~ chairperson all of the powers of the ~~chairman~~ chairperson. All hearings, studies, and consideration of applications for certificates shall be conducted by the board or representatives of its members.

In addition, the board shall include four legislative members who may participate fully in all the board's deliberations and activities except that they shall serve as nonvoting members. The speaker of the house of representatives shall appoint one legislative member, and the president of the senate and minority leader of each house shall each appoint one legislative member. Each such legislative leader shall designate an alternate to attend meetings of the board when the regular legislative member ~~he~~ appointed by the legislative leader is unable to attend. Each legislative member and alternate shall serve for the duration of the elected term that ~~he~~ the legislative member is serving at the time of ~~his~~ appointment. A quorum of the board is a majority of its voting members.

The representative of the public and, notwithstanding section 101.26 of the Revised Code, legislative members of the board or their designated alternates, when engaged in their duties as members of the board, shall be paid at the per diem rate of step 1, pay range 32, under schedule B of section 124.15 of the Revised Code and shall be reimbursed for the actual and necessary expenses they incur in the discharge of their official duties.

(B) The ~~chairman~~ chairperson shall keep a complete record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, keep all books, maps, documents, and papers ordered filed by the board, conduct investigations pursuant to section 4906.07 of the Revised

Code, and perform such other duties as the board may prescribe.

(C) The ~~chairman~~ chairperson of the public utilities commission may assign or transfer duties among the commission's staff. However, the board's authority to grant certificates under section 4906.10 of the Revised Code shall not be exercised by any officer, employee, or body other than the board itself.

~~(D)~~(D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the chairperson's assistance, temporarily, any employee of the environmental protection agency, the department of natural resources, the department of agriculture, the department of health, or the department of development, for the purpose of making studies, conducting hearings, investigating applications, or preparing any report required or authorized under this chapter. Such employees shall not receive any additional compensation over that which they receive from the agency by which they are employed, but they shall be reimbursed for their actual and necessary expenses incurred while working under the direction of the ~~chairman~~ chairperson. All contracts for special services are subject to the approval of the ~~chairman~~ chairperson.

(2) Subject to controlling board approval, the board may contract for the services of any expert or analyst, other than an employee described in division (D)(1) of this section, for the purposes of carrying out the board's powers and duties as described in Chapter 4906. of the Revised Code. Any such expert or analyst shall be compensated from the application fee, or if necessary, supplemental application fees assessed in accordance with division (F) of section 4906.06 of the Revised Code.

(E) The board's offices shall be located in those of the public utilities commission.

Sec. 4927.01. (A) As used in this chapter:

(1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line of service, which in the case of residential and small-business access and usage is not part of a bundle or package of services, that does both of the following:

(a) Enables a customer to originate or receive voice communications within a local service area as that area exists on September 13, 2010, or as that area is changed with the approval of the public utilities commission;

(b) Consists of all of the following services:

(i) Local dial tone service;

(ii) For residential end users, flat-rate telephone exchange service;

- (iii) Touch tone dialing service;
- (iv) Access to and usage of 9-1-1 services, where such services are available;
- (v) Access to operator services and directory assistance;
- (vi) Provision of a telephone directory in any reasonable format, which includes, at the telephone company's option, an internet-accessible database of directory listings, for no additional charge and a listing in that directory, with reasonable accommodations made for private listings, and for a telephone company that no longer offers a printed directory, provision of reasonable customer notice of the available options to obtain directory information;
- (vii) Per call, caller identification blocking services;
- (viii) Access to telecommunications relay service; and
- (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.

"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.

(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.

(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.

(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this

section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal communications commission.

(8) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

(9) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange service, may complete calls to other telephone customers without being assessed long distance toll charges.

(10) "Small business" means a nonresidential service customer with three or fewer service access lines.

(11) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(12) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.

(13) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(14) "Telephone company" means a company described in division (A) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code.

(15) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or other facilities, or combination thereof, by which a customer can originate and terminate a telecommunications service.

(16) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service.

(17) "Voice over internet protocol service" means a service that enables real-time, two-way, voice communications that originate or terminate from the user's location using internet protocol or a successor protocol, including, but not limited to, any such service that permits an end user to receive calls from and terminate calls to the public switched network.

(18) "Voice service" includes all of the applicable functionalities described in 47 C.F.R. 54.101(a). "Voice service" is not the same as basic local exchange service.

(19) "Wireless service" means federally licensed commercial mobile service as defined in the "Telecommunications Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as commercial mobile radio service in 47 C.F.R. 20.3. Under division (A)(19) of this section, commercial mobile radio service is specifically limited to mobile telephone, mobile cellular telephone, paging, personal communications services, and specialized mobile radio service provided by a common carrier in this state and excludes fixed wireless service.

(20) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state.

(B) The definitions of this section shall be applied consistent with the definitions in the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with federal decisions interpreting those definitions.

Sec. 5101.04. Notwithstanding any provision of law or regulation to the contrary, in order to improve the timeliness of public assistance benefit deliveries, to maximize operational efficiencies, increase cost savings, and minimize fraud, the department of job and family services may contract with a third-party commercial consumer reporting agency, in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for the purpose of assisting the department with eligibility determinations for supplemental nutrition assistance supplemental program benefits, benefits funded by the temporary assistance for needy families block grant, and unemployment compensation benefits. The department shall undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

Sec. 5101.041. (A) The director of job and family services shall enter into the following data matching agreements:

(1) An agreement with the department of rehabilitation and correction,

under which the director of rehabilitation and correction is required to provide the director of job and family services with a searchable list, updated weekly, identifying all persons committed to the several institutions governed by the department of rehabilitation and correction.

(2) Agreements with the director of the state lottery commission and executive director of the Ohio casino control commission, under which the director and executive director provide the director of job and family services with a searchable list identifying all individuals with substantial lottery or gambling winnings. The director of job and family services shall check the list at least monthly to determine if the information affects any public assistance recipient's eligibility.

(3) An agreement with the director of health, under which the director of health is required to provide the director of job and family services with a searchable list identifying new and updated vital statistics records, including death records. The director of job and family services shall check the list at least monthly for vital statistics records involving public assistance recipients that may affect a recipient's eligibility.

(B) The agreements required by division (A) of this section shall describe the manner in which each agency is to report the information to the department of job and family services.

Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1414~~ 5101.1417 of the Revised Code:

(1) "Adopted young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency;

(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

(c) Who has attained the age of eighteen; and

(d) Who has not yet attained the age of twenty-one.

(2) "Child" means any of the following:

(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code;

(b) An adopted young adult;

(c) An emancipated young adult.

(3) "Emancipated young adult" means a person:

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement

services;

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings of the child;

(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;

(d) A legal guardian of the child;

(e) A legal custodian of the child;

(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

(6) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.

~~(5)~~(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.

(B)(1) Except as provided in ~~division~~ divisions (B)(2), (3), and (4) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care, kinship

guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.

(2) If the state plan is amended under divisions (A) and (B) of section 5101.1411 of the Revised Code, both of the following shall apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, if both of the following apply:

(i) The plan as amended is approved by the secretary of health and human services;

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall have, exercise, and perform all new duties required under the plan as amended. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(3) If the state plan is amended under division (C) of section 5101.1411 of the Revised Code, both of the following apply:

(a) Implementation of the amendments to the plan shall begin fifteen months after the effective date of this section, if both of the following apply:

(i) The plan as amended is approved by the secretary of health and human services.

(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.

(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.

(4) If the state plan is amended under section 5101.1416 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months

after the effective date of this section.

(C)(1) Except with regard to the new duties imposed on the department or its contractor under ~~division~~ divisions (B)(2)(b) and (B)(3)(b) of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following:

(a) The child's food, clothing, shelter, daily supervision, and school supplies;

(b) The child's personal incidentals;

(c) Reasonable travel to the child's home for visitation.

(2) In addition to payments made under division (C)(1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:

(a) Liability insurance with respect to the child;

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section, Title IV-E kinship guardianship assistance, or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance, kinship guardianship assistance, and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing kinship guardianship assistance or adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.1411. (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division ~~(C)~~(D) of this section.

(2) Any emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time.

(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division ~~(C)~~(D) of this section.

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one.

(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section.

(C)(1) The director of job and family services shall, not later than nine months after the effective date of this amendment, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements:

(a) Both of the following apply:

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order.

(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen.

(b) The relative maintains parental responsibility for the kinship guardianship young adult.

(c) The kinship guardianship young adult satisfies division (D) of this section.

(2) Any person who meets the requirements of division (C)(1) of this section may request an extension of kinship guardianship assistance at any time before the kinship guardianship young adult reaches age twenty-one.

(3) A kinship guardianship young adult who is eligible to receive kinship guardianship assistance is not considered an emancipated young adult and is therefore not eligible to receive assistance under division (A) of this section.

(D) In addition to other requirements, an adopted, kinship guardianship, or emancipated young adult must meet at least one of the following criteria:

(1) Is completing secondary education or a program leading to an equivalent credential;

(2) Is enrolled in an institution that provides post-secondary or vocational education;

(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;

(4) Is employed for at least eighty hours per month;

(5) Is incapable of doing any of the activities described in divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or mental condition, which incapacity is supported by regularly updated information in the person's case record or plan.

~~(D)~~(E) Any emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance, or any parent receiving adoption assistance payments, may refuse the payments at any time.

~~(E)~~(F)(1) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any relative described in division (C)(1) of this section who is receiving kinship guardianship assistance and the kinship guardianship young adult, or a parent receiving adoption assistance payments and the adopted young adult shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.

(2) An emancipated young adult described in division (A)(1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including

apartment living, room and board arrangements, college or university dormitories, host homes, and shared roommate settings.

~~(F)~~(G) Any determination by the department that denies or terminates foster care assistance, kinship guardianship assistance, kinship support program payments, or adoption assistance payments shall be subject to a state hearing pursuant to section 5101.35 of the Revised Code.

Sec. 5101.1412. (A) Without the approval of a court, an emancipated young adult who receives payments, or on whose behalf payments are received, under division (A) of section 5101.1411 of the Revised Code, may enter into a voluntary participation agreement with the department of job and family services, or its representative, for the emancipated young adult's care and placement. The agreement shall stay in effect until one of the following occurs:

(1) The emancipated young adult enrolled in the program notifies the department, or its representative, that they want to terminate the agreement.

(2) The emancipated young adult becomes ineligible for the program.

~~(B) During the one hundred eighty day period after the voluntary participation agreement becomes effective, the department or its representative shall seek approval from the court that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative.~~

~~(C)~~ In order to maintain Title IV-E eligibility for the emancipated young adult, ~~not~~ both of the following apply:

(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative.

(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan that addresses the department's or its representative's efforts to prepare the emancipated young adult for independence.

Sec. 5101.1415. The provisions of divisions (A) and ~~(C)~~(D) to ~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if the person is eligible for temporary or permanent custody until age twenty-one pursuant to a dispositional order under sections 2151.353, 2151.414, and 2151.415 of the Revised Code.

Sec. 5101.1416. (A) Not later than nine months after the effective date of this section, the director of job and family services shall submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E on behalf of a child to a relative who meets the following requirements:

(1) The relative has cared for the eligible child pursuant to division (B) of this section as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.

(2) Both of the following apply:

(a) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(b) The relative has committed to care for the child on a permanent basis.

(3) The relative signs a kinship guardianship assistance agreement required by 42 U.S.C. 673.

(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met:

(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section.

(3) Returning the child home or adoption of the child are not appropriate permanency options for the child.

(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child.

(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement.

Sec. 5101.1417. Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following:

(A) Allow a kinship guardianship young adult described in division (C)

of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities;

(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code, who is determined to be ineligible for assistance.

Sec. 5101.1418. (A)(1) If, after a child's adoption is finalized, the department of job and family services considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services subsidy payments on behalf of the child as needed when both of the following apply:

(a) The child has a physical or developmental disability or mental or emotional condition that either:

(i) Existed before the adoption petition was filed; or

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources.

(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.

(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services.

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive

family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or older.

(C) The director of job and family services, not later than July 1, 2022, shall adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) Standards for determining the children who qualify to receive assistance provided under this section;

(3) The method of determining the amount, duration, and scope of services provided to a child;

(4) The method of transitioning the post adoption special services subsidy program from public children services agencies to the department;

(5) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.

(D) The department shall implement this section not later than July 1, 2022.

Sec. 5101.341. (A) The Ohio commission on fatherhood ~~annually~~ shall elect a chairperson from among its members in every odd-numbered year.

(B) The governor shall appoint an individual to serve as the commission's executive director. The executive director shall serve at the pleasure of the governor and shall report to the director of job and family services or the director's designee.

The governor shall fix the executive director's salary on the basis of the executive director's experience and the executive director's responsibilities and duties. The executive director shall be in the unclassified civil service.

The department of job and family services shall provide staff and other support services as necessary for the commission to fulfill its duties.

(C) The commission may accept gifts, grants, donations, contributions, benefits, and other funds from any public agency or private source to carry

out any or all of the commission's duties. The funds shall be deposited into the Ohio commission on fatherhood fund, which is hereby created in the state treasury. All gifts, grants, donations, contributions, benefits, and other funds received by the commission pursuant to this division shall be used solely to support the operations of the commission.

Sec. 5101.54. (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department of job and family services may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the supplemental nutrition assistance program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and advisable;

(4) Administer and expend any sums appropriated by the general assembly for the purposes of the supplemental nutrition assistance program and all sums paid to the state by the United States as authorized by the Food and Nutrition Act of 2008;

(5) Conduct such investigations as are necessary;

(6) Enter into interagency agreements and cooperate with investigations conducted by the department of public safety, including providing information for investigative purposes, exchanging property and records, passing through federal financial participation, modifying any agreements with the United States department of agriculture, providing for the supply, security, and accounting of supplemental nutrition assistance program benefits for investigative purposes, and meeting any other requirements necessary for the detection and deterrence of illegal activities in the supplemental nutrition assistance program;

(7) Adopt rules in accordance with Chapter 119. of the Revised Code governing employment and training requirements of recipients of supplemental nutrition assistance program benefits, including rules specifying which recipients are subject to the requirements and establishing sanctions for failure to satisfy the requirements. The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, to the extent practicable, shall provide for the recipients to participate in work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised

Code that are comparable to programs authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules adopted under section 5107.05 of the Revised Code governing work activities, developmental activities, and alternative work activities described in sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the Revised Code that are consistent with the Food and Nutrition Act of 2008, the regulations adopted thereunder, and this section governing the following:

(a) Eligibility requirements for the supplemental nutrition assistance program;

(b) Sanctions for failure to comply with eligibility requirements;

(c) Allotment of supplemental nutrition assistance program benefits;

(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;

(e) Administration of the program by county departments of job and family services;

(f) Other requirements necessary for the efficient administration of the program.

(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.

(10) Collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation. Such information shall include transactions of even dollar amounts, full monthly benefit amounts, multiple same-day transactions, out-of-state transactions, and any other suspicious trends.

(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:

(1) The results of the application interview indicate that the household

will be eligible upon full verification;

(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file and shall include:

(a) The name of the person who provided the name of the information source;

(b) The name and address of the information source;

(c) A summary of the information obtained.

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

There is no limit on the number of times a household may receive expedited certification of eligibility under this division as long as before each expedited certification all of the information identified in division (F)(1) of this section was verified for the household at the last expedited certification or the household's eligibility was certified under normal processing standards since the last expedited certification.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

(C) Before certifying supplemental nutrition assistance program benefits, the department shall verify the eligibility of each household in accordance with division (F) of this section. All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008.

(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

(F)(1) In order to verify household eligibility as required by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits:

(a) Household composition;

(b) Identity;

- (c) Citizenship and alien eligibility status;
- (d) Social security numbers;
- (e) State residency status;
- (f) Disability status;
- (g) Gross nonexempt income;
- (h) Utility expenses;
- (i) Medical expenses;
- (j) Enrollment status in other state-administered public assistance programs within and outside this state;
- (k) Any available information related to potential identity fraud or identity theft.

(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.

(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.

(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.

(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.

(b) The department may contract with one or more independent vendors to provide the information identified in division (F)(1) of this section.

(c) Nothing in this section prevents the department or a county department of job and family services from receiving or reviewing additional information related to eligibility not identified in this section or from contracting with one or more independent vendors to provide additional information not identified in this section.

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state.

(G) If the department receives information concerning a household

certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing.

(H) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both.

(I) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to (H) of this section.

(J) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services.

Sec. 5101.545. The director of job and family services shall submit an application to the United States department of agriculture for participation in the elderly simplified application project within the supplemental nutrition assistance program.

Sec. 5101.63. (A)(1) Any individual listed in division (A)(2) of this section having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services.

(2) All of the following are subject to division (A)(1) of this section:

(a) An attorney admitted to the practice of law in this state;

(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(c) An individual licensed under Chapter 4734. of the Revised Code as a chiropractor;

(d) An individual licensed under Chapter 4715. of the Revised Code as a dentist;

(e) An individual licensed under Chapter 4723. of the Revised Code as a registered nurse or licensed practical nurse;

(f) An individual licensed under Chapter 4732. of the Revised Code as a psychologist;

(g) An individual licensed under Chapter 4757. of the Revised Code as a social worker, independent social worker, professional counselor, professional clinical counselor, marriage and family therapist, or

independent marriage and family therapist;

(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;

(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;

(j) An employee of a home health agency, as defined in section ~~3701.881~~ 3740.01 of the Revised Code;

(k) An employee of an outpatient health facility;

(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;

(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;

(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;

(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;

(r) A humane society agent appointed under section 1717.06 of the Revised Code;

(s) An individual who is a firefighter for a lawfully constituted fire department;

(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;

(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;

(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;

(w) A peace officer;

(x) A coroner;

(y) A member of the clergy;

(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;

(aa) An individual licensed under Chapter 4735. of the Revised Code as

a real estate broker or real estate salesperson;

(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;

(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;

(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;

(ee) A financial planner accredited by a national accreditation agency;

(ff) Any other individual who is a senior service provider, other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause a report to be made of such belief to the county department of job and family services.

This division applies to a representative of the office of the state long-term care ombudsman program only to the extent permitted by federal law.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the name and identifying information related to the person who made the report.

(G) The county department of job and family services shall be available to receive the written or oral report provided for in this section twenty-four hours a day and seven days a week.

Sec. 5101.741. (A) The elder abuse commission shall formulate and recommend strategies on all of the following:

(1) Increasing awareness of and improving education on elder abuse;

(2) Increasing research on elder abuse;

(3) Improving policy, funding, and programming related to elder abuse, including estimated funding necessary to implement specific recommendations;

(4) Improving the judicial response to elder abuse victims;

(5) Identifying ways to coordinate statewide efforts to address elder abuse.

~~(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations.~~

~~(C)~~ The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under ~~divisions~~ division (A) ~~and (B)~~ of this section.

~~(D)~~(C) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

Sec. 5101.802. (A) As used in this section:

(1) "Custodian," "guardian," and "minor child" have the same meanings as in section 5107.02 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not exceed three hundred per cent of the federal poverty guidelines.

(6) The kinship caregiver is not receiving kinship guardianship assistance under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended, or the program described in section 5101.1411 of the Revised Code or the program described in section 5153.163 of the Revised Code.

(D) Public children services agencies shall make initial and ongoing eligibility determinations for the kinship permanency incentive program in accordance with rules authorized by division (E) of this section. The director

of job and family services shall supervise public children services agencies' duties under this section.

(E) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the kinship permanency incentive program. The rules shall establish all of the following:

- (1) The application process for the program;
- (2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;
- (3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;
- (4) The amount of the incentive payments provided under the program;
- (5) The method by which the incentive payments are provided to a kinship caregiver.

(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.

Sec. 5101.806. (A) The department of job and family services shall prepare and submit to the governor not later than the first day of November in each even-numbered year a TANF spending plan describing the anticipated spending of temporary assistance for needy families block grant funds for the upcoming state fiscal biennium. The report shall be prepared in such a manner as to facilitate the inclusion of the information contained in the report in the governor's budget in accordance with division (D)(7) of section 107.03 of the Revised Code.

(B)(1) Not later than thirty days after the end of the first state fiscal year of a fiscal biennium, the department shall prepare and submit an updated TANF spending plan to the chairperson of a standing committee of the house of representatives designated by the speaker of the house of representatives, the chairperson of a standing committee of the senate designated by the president of the senate, and the minority leaders of both the house of representatives and the senate. The updated TANF spending plan shall, at a minimum, include both of the following:

(a) The total amount of temporary assistance for needy families block grant funds distributed during the first fiscal year of the fiscal biennium.

(b) An updated estimate of the total amount of temporary assistance for needy families block grant funds that will be distributed during the second fiscal year of the fiscal biennium.

(2) A chairperson of a standing committee designated by the speaker of

the house of representatives or president of the senate under division (B)(1) of this section may call the director of job and family services to testify before the committee regarding the TANF spending plan.

Sec. 5101.8812. Benefits and services provided under the kinship guardianship assistance program, extended kinship guardianship assistance program, kinship support program, and kinship permanency incentive program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, guardianship, and other like processes.

~~Sec. 5101.971. (A) The department of human services shall prepare an annual report on individual development account programs established by county departments of human services based on the information provided pursuant to division (E) of section 329.12 of the Revised Code and file the report with the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives. The department shall file the report on the first day of October of each year, beginning in 1998.~~

~~(B)~~ The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to govern the implementation of individual development account programs under sections 329.11 to 329.14 of the Revised Code by county departments of ~~human job and family~~ job and family services, which shall include rules covering ~~at~~ both of the following:

~~(1) (A)~~ Imposing a penalty for unauthorized use of matching contributions;

~~(2) Specifying the information that must be included in the county department's report to the department under section 329.12 of the Revised Code;~~

~~(3) (B)~~ Specifying the responsibilities of a fiduciary organization under an individual development account program established under section 329.12 of the Revised Code. The rules shall be consistent with section 404(h) of the "Social Security Act" as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," ~~44 Stat.~~ 2405, 42 U.S.C. 604(h).

The responsibilities of a fiduciary organization may include marketing; soliciting matching contributions; counseling account holders; conducting verification, compliance, and evaluation activities; and any other responsibilities considered appropriate by the state department.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(c) A private, nonprofit therapeutic wilderness camp;

(d) A qualified organization as defined in section 2151.90 of the Revised Code.

(B) "Family foster home" means a foster home that is not a specialized foster home.

(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.

(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.

(E) Kinship caregiver has the same meaning as in section 5101.85 of the Revised Code.

(F) "Medically fragile foster home" means a foster home that provides

specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

~~(G)~~(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family.

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

~~(L)~~(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the

children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.

Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of job and family services may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of job and family services under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code. ~~Up to twenty per cent of the required preplacement training may be provided online.~~

Sec. 5103.0310. (A) Prior to employing a person or engaging a subcontractor, intern, or volunteer, an institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall do the following regarding the person, subcontractor, intern, or volunteer:

(1) ~~Conduct~~ Obtain a search of the United States department of justice national sex offender public web site regarding the person;

(2) ~~Request~~ Obtain a summary report of a search of the uniform statewide automated child welfare information system in accordance with divisions (A) and (B) of section 5103.18 of the Revised Code.

(B) An institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is not a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall obtain the search and summary report described in division (A) of this section before hiring a person, or engaging a subcontractor, intern, or volunteer, who will have access to children.

(C) If, at the time of the effective date of this amendment, the institution or association has not obtained a report required under division (A) or (B) of this section for the person, subcontractor, intern, or volunteer, the institution or association shall obtain the report.

(D) The institution or association may refuse to hire employ the person or engage the subcontractor, intern, or volunteer based solely on the results of the search described in division (A)(1) or (B) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code.

~~(E)~~ (E) The director of job and family services shall adopt rules in

accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.0316. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following:

(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private noncustodial agency that seeks to operate a preplacement training program or continuing training program under section 5103.034 of the Revised Code must submit to the department a proposal outlining the program;

(B) Requirements governing the department's compensation of private child placing agencies and private noncustodial agencies under sections 5103.0312 and 5103.0313 of the Revised Code, including the allowance to reimburse the agencies for the cost of providing the training under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(C) Requirements governing the continuing training required by sections 5103.032 and 5103.033 of the Revised Code;

(D) The amount of training hours necessary for preplacement training and continuing training for purposes of sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(E) Courses necessary to meet the preplacement and continuing training requirements for foster homes under sections 5103.031, 5103.032, and 5103.033 of the Revised Code;

(F) Criteria used to create a written needs assessment and continuing training plan for each foster caregiver as required by section 5103.035 of the Revised Code;

(G) The amount of preplacement and continuing training hours that may be completed online;

(H) Any other matter the department considers appropriate.

Sec. 5103.163. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code.

(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply.

(C) The rights established by rules under this section shall not create

grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

- (1) Communicate on the owner's behalf;
- (2) Submit on the owner's behalf applications for licensure or approval;
- (3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

- (1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;
- (2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.

(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.

(H) "Child" includes an infant, toddler, preschool-age child, or

school-age child.

(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides care, if all of the following apply:

(a) An organized religious body provides the care;

(b) A parent, custodian, or guardian of at least one child receiving care

is on the premises and readily accessible at all times;

(c) The care is not provided for more than thirty days a year;

(d) The care is provided only for preschool-age and school-age children.

(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.

(N) "Child care resource and referral services" means all of the following services:

(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;

(2) Provision of individualized consumer education to families seeking child care;

(3) Provision of timely referrals of available child care providers to families seeking child care;

(4) Recruitment of child care providers;

(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;

(6) Collection and analysis of data on the supply of and demand for child care in the community;

(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;

(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;

(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;

(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;

(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.

(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.

(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.

(Q) "Employee" means a person who either:

(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a ~~comprehensive child development school-readiness program serving birth to three years old and preschool-age children~~ that ~~receives~~ satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in conjunction

with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months of age.

(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than

their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not

include any child day camp.

(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

Sec. 5104.017. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, and drop-in type A homes, ~~and school-age child type A homes~~. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;

(K) Procedures for screening employees, including any necessary physical examinations and immunizations;

(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;

(N) Procedures for record keeping, organization, and administration;

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;

(P) Inspection procedures;

(Q) Procedures and standards for setting initial license application fees;

(R) Procedures for receiving, recording, and responding to complaints about type A homes;

(S) Procedures for enforcing section 5104.04 of the Revised Code;

(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;

(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;

(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;

(W) Standards for the maximum number of children per child-care staff member;

(X) Requirements for the amount of usable indoor floor space for each child;

(Y) Requirements for safe outdoor play space;

(Z) Qualifications and training requirements for administrators and for child-care staff members;

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;

~~(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;~~

~~(CC)~~ Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

~~(DD)~~(CC) Any other procedures and standards necessary to carry out

the provisions of this chapter regarding type A homes.

Sec. 5104.07. (A) The director of job and family services may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) On or before February 28, 1992, the department of job and family services shall develop a statewide plan for child care resource and referral services. The plan shall be based upon the experiences of other states with respect to child care resource and referral services, the experiences of communities in this state that have child care resource and referral service organizations, and the needs of communities in this state that do not have child care resource and referral service organizations. The plan shall be designed to ensure that child care resource and referral services are available in each county in the state to families who need child care. The department shall consider the special needs of migrant workers when it develops the plan and shall include in the plan procedures designed to accommodate the needs of migrant workers.

(2) ~~The director of job and family services shall adopt rules for funding child care resource and referral service organizations. The rules~~ In addition to the requirements described in division (B)(1) of this section, the plan shall include all of the following:

(a) A description of the services that a child care resource and referral service organization is required to provide to families who need child care;

(b) The qualifications for a child care resource and referral service organization;

(c) A description of the procedures for providing federal and state funding for county or multicounty child care resource and referral service organizations;

(d) A timetable for providing child care resource and referral services to all communities in the state;

(e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;

(f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;

(g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.

(C) Child care resource and referral service organizations receiving funds distributed by the department may, ~~in accordance with rules adopted under division (B)(2) of this section,~~ enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.

(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:

- (1) Learning and development;
- (2) Administration and leadership practices;
- (3) Staff quality and professional development;
- (4) Family and community partnerships.

(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.

~~(G)(1) The department of job and family services shall ensure that the following percentages of early learning and development programs that provide publicly funded child care are rated in the third highest tier or above in the step up to quality program:~~

- ~~(a) By June 30, 2017, twenty five per cent;~~
- ~~(b) By June 30, 2019, forty per cent;~~
- ~~(c) By June 30, 2021, sixty per cent;~~
- ~~(d) By June 30, 2023, eighty per cent;~~
- ~~(e) By June 30, 2025, one hundred per cent.~~

~~(2) This division does not apply to early learning and development programs that are either of the following:~~

- ~~(a) Licensed type B family day-care homes;~~
- ~~(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code.~~

Sec. 5104.31. (A) Publicly funded child care may be provided only by the following:

(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

- (a) A child day-care center, including a parent cooperative child day-care center;
- (b) A type A family day-care home, including a parent cooperative type A family day-care home;

(c) A licensed type B family day-care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.

(C)(1) ~~Beginning September 1, 2020, and except~~ Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;

(b) A program that operates only during school breaks;

(c) A program that operates only on weekday evenings, weekends, or both;

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;

(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.

Sec. 5104.34. (A)(1) Each county department of job and family services shall implement procedures for making determinations of eligibility for publicly funded child care. Under those procedures, the eligibility determination for each applicant shall be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a

decision or delay in making an eligibility determination may appeal the decision or delay to the department of job and family services in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department in various locations throughout the county to collect information relevant to applications for publicly funded child care and to make eligibility determinations. The county department, child care provider, and child care resource and referral service organization shall make each determination of eligibility for publicly funded child care no later than thirty days after the filing of the application that is the basis of the determination, shall make each determination in accordance with any relevant rules adopted pursuant to section 5104.38 of the Revised Code, and shall notify promptly each applicant for publicly funded child care of the results of the determination of the applicant's eligibility.

The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code for monitoring the eligibility determination process. In accordance with those rules, the state department shall monitor eligibility determinations made by county departments of job and family services and shall direct any entity that is not in compliance with this division or any rule adopted under this division to implement corrective

action specified by the department.

(2)(a) All eligibility determinations for publicly funded child care shall be made in accordance with rules adopted pursuant to division (A) of section 5104.38 of the Revised Code. Except as otherwise provided in this section, ~~both~~ all of the following apply:

(i) Publicly funded child care may be provided only to eligible infants, toddlers, preschool-age children, school-age children under age thirteen, or children receiving special needs child care.

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care.

(iii) The eligibility period for publicly funded child care shall be at least twelve months.

(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the child care provider shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division.

(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of ~~up to thirteen weeks~~ at least three but not more than four months not to extend beyond the caretaker parent's ~~twelve-month~~ eligibility period.

(d) If a child turns thirteen, or if a child receiving special needs child care turns eighteen, during the ~~twelve-month~~ eligibility period, the caretaker parent may continue to receive publicly funded child care until the end of that ~~twelve-month~~ eligibility period.

Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued

eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or (4) of section 5104.30 of the Revised Code. If the department must limit eligibility due to lack of available funds, it shall give first priority for publicly funded child care to an assistance group whose income is not more than the maximum income eligibility limit that received transitional child care in the previous month but is no longer eligible because the ~~twelve-month~~ eligibility period has expired. Such an assistance group shall continue to receive priority for publicly funded child care until its income exceeds the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the Ohio works first program established under Chapter 5107. of the Revised Code is eligible for transitional child care at any time during the immediately following twelve-month period that both of the following apply:

(a) The assistance group requires child care due to employment;

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days;

~~(4) The child is enrolled in a part-time program participating in the tiered quality rating and improvement system established under section 5104.29 of the Revised Code and needs care from an additional part-time provider.~~

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5107.10. (A) As used in this section:

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.

(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.

(3) "Gross income" means gross earned income and gross unearned income.

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C)(1) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(a) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(i) A minor child who, except as provided in section 5107.24 of the

Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(ii) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(iii) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care assistance, kinship guardianship assistance, kinship support program payments, or adoption assistance;

(iv) A woman at least six months pregnant.

(b) The assistance group must meet the income requirements established by division (D) of this section.

(c) No member of the assistance group may be involved in a strike.

(d) The assistance group must satisfy the requirements for Ohio works first established by this chapter and section 5101.83 of the Revised Code.

(e) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(2) In addition to meeting the requirements specified in division (C)(1) of this section, a member of an assistance group who is required by section 5116.10 of the Revised Code to participate in the comprehensive case management and employment program must participate in that program to be eligible to participate in Ohio works first.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's

countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment

months. This division does not affect the eligibility of an assistance group that includes a woman at least six months pregnant.

Sec. 5119.191. (A) As used in this section:

(1) "Drug used in medication-assisted treatment" means a drug approved by the United States food and drug administration for use in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted treatment" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist.

(2) "Drug used in withdrawal management or detoxification" means a drug approved by the United States food and drug administration for use in, or a drug in standard use for, mitigating opioid or alcohol withdrawal symptoms or assisting with detoxification, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in withdrawal management or detoxification" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist;

(d) An alpha-2 adrenergic agonist.

(3) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(4) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Withdrawal management or detoxification" means a set of medical interventions aimed at managing the acute physical symptoms of intoxication and withdrawal. Detoxification denotes a clearing of toxins from the body of the patient who is acutely intoxicated, dependent on a substance of abuse, or both. Withdrawal management seeks to minimize the physical harm caused by the intoxication and withdrawal from a substance of abuse. Withdrawal management or detoxification occurs when the patient has a substance use disorder and either evidence of the characteristic withdrawal syndrome produced by withdrawal from that substance or evidence that supports the expectation that such a syndrome would develop without the provision of detoxification services. Withdrawal management alone does not constitute substance abuse treatment or rehabilitation.

(B) There is hereby created a reimbursement program for drugs used in

medication-assisted treatment or drugs used in withdrawal management or detoxification. The program shall be administered by the department of mental health and addiction services.

The purpose of the program is to provide state reimbursement to counties for the cost of drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification and administered or dispensed to inmates of county jails in this state. Each county shall ensure that inmates have access to drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification that are prescribed drugs covered by the fee-for-service component of the medicaid program.

The department, based on factors it considers appropriate, shall allocate an amount to each county for reimbursement of such drug costs incurred by the county.

(C) The director of mental health and addiction services may adopt rules to implement this section. The rules, if adopted, shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 5119.27. (A) ~~Records~~ As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b).

(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

~~(B) In accordance with 42 U.S.C. 290dd-2, records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential; and may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding 42 C.F.R. Part 2.~~

~~(B)~~(C) When the person, with respect to whom any record or information referred to in division ~~(A)~~(B) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the following:

~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~

~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~

~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information requirements set forth in 42 C.F.R. 2.31.~~

~~(C) A~~ (D) In accordance with 42 C.F.R. 2.35, a person who is subject to a community control sanction, parole, or a post-release control sanction, is on parole, or who is ordered to rehabilitation intervention in lieu of conviction, and who has agreed to participate in a drug treatment or rehabilitation program federally assisted program for the treatment of substance use disorders as a condition of the community control sanction, post-release control sanction, parole, or intervention order to rehabilitation, shall be considered to have consented consent to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the person's community control sanction, post-release control sanction, parole, or intervention order to rehabilitation. A person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the person's community control sanction, post-release control sanction, parole, or intervention order to rehabilitation.

~~(D) Disclosure~~ (E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure of a person's record may be made without the person's consent to qualified personnel for the purpose of conducting scientific research, management, financial audits, or program evaluation, but these personnel may not identify, directly or indirectly, any individual particular person in any report of the research, audit, or evaluation, or otherwise disclose a person's identity in any manner.

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the request of a prosecuting attorney or the director of mental health and addiction services, a court of competent jurisdiction may order the disclosure of records or information referred to in division ~~(A)~~(B) of this section if the court has reason to believe that a treatment program or facility federally assisted program for the treatment of substance use disorders is being operated or used in a manner contrary to law. The use of any information or record so disclosed shall be limited to the prosecution of persons who are or may be charged with any offense related to the illegal operation or use of the drug

~~treatment program or facility~~, or to the decision to withdraw the authority of a ~~drug treatment~~ the program or facility to continue operation. For purposes of this division the court shall do all of the following:

(1) Limit disclosure to those parts of the person's record considered essential to fulfill the objective for which the order was granted;

(2) Require, where appropriate, that all information be disclosed in chambers;

(3) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the persons seeking or receiving services, the ~~physician-patient~~ provider-client relationship, and the administration of the ~~drug treatment and rehabilitation~~ program.

~~(F) As used in this section:~~

~~(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.~~

~~(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.~~

Sec. 5119.33. (A)(1) The department of mental health and addiction services shall inspect and license all hospitals that receive mentally ill persons, except those hospitals managed by the department. No hospital may receive for care or treatment, either at public or private expense, any person who is or appears to be mentally ill, whether or not so adjudicated, unless the hospital has received a license from the department authorizing it to receive for care or treatment persons who are mentally ill or the hospital is managed by the department.

(2) No such license shall be granted to a hospital for the treatment of mentally ill persons unless the department is satisfied, after investigation, that the hospital is managed and operated by qualified persons and has on its staff one or more qualified physicians responsible for the medical care of the patients confined there. At least one such physician shall be a psychiatrist.

(B) The department shall adopt rules under Chapter 119. of the Revised Code prescribing minimum standards for the operation of hospitals for the care and treatment of mentally ill persons and establishing standards and procedures for the issuance, renewal, or revocation of full, probationary, and interim licenses. No license shall be granted to any hospital established or used for the care of mentally ill persons unless such hospital is operating in accordance with this section and rules adopted pursuant to this section. A full license shall expire one year after the date of issuance, a probationary license shall expire at the time prescribed by rule adopted pursuant to Chapter 119. of the Revised Code by the director of mental health and addiction services, and an interim license shall expire ninety days after the

date of issuance. A full, probationary, or interim license may be renewed, except that an interim license may be renewed only twice. The department may fix reasonable fees for licenses and for license renewals. Such hospitals are subject to inspection and on-site review by the department.

(C) Except as otherwise provided in Chapter 5122. of the Revised Code, neither the director of mental health and addiction services; an employee of the department; a board of alcohol, drug addiction, and mental health services or employee of a community mental health services provider; nor any other public official shall hospitalize any mentally ill person for care or treatment in any hospital that is not licensed in accordance with this section.

(D)(1) The department may issue an order suspending the admission of patients who are mentally ill to a hospital for care or treatment if it finds either of the following:

~~(1)(a)~~ (a) The hospital is not in compliance with rules adopted by the director pursuant to this section.

~~(2)(b)~~ (b) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(2)(a) Except as provided in division (D)(2)(b) of this section, proceedings initiated to suspend the admission of patients are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are

agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(E)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons:

(1)(a) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.

(2)(b) The hospital refuses to be subject to inspection or on-site review by the department.

(3)(c) The hospital has failed to furnish humane, kind, and adequate treatment and care.

(4)(d) The hospital fails to comply with the licensure rules of the department.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings.

(F)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation

regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license.

(8) "Personal care services" means services including, but not limited to, the following:

(a) Assisting residents with activities of daily living;

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section;

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in

accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof.

(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code.

(11) "Supervision" means any of the following:

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities;

(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;

(c) Assisting a resident in making or keeping an appointment.

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of

mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification under section 5103.03 of the Revised Code;

(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;

(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;

(f) A facility licensed under section 5119.37 of the Revised Code to operate an opioid treatment program;

(g) Any facility that receives funding for operating costs from the department of development services ~~agency~~ under any program established to provide emergency shelter housing or transitional housing for the homeless;

(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;

(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;

(j) The residence of a relative or guardian of a person with mental illness.

(C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.

(D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following:

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division ~~(L)~~(N) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:

(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

~~(F)(1)~~(F) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division ~~(L)~~(N) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance

with rules adopted by the director under division ~~(L)~~(N) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division ~~(L)~~(N) of this section. The fee is nonrefundable.

~~(2) The~~(G)(1) If the department finds any of the following with respect to a residential facility, the department may issue an order suspending the admission of residents to the facility or, refuse to issue or renew and may a license for the facility, or revoke a the facility's license if it finds any of the following:

(a) The facility is not in compliance with rules adopted by the director pursuant to division ~~(L)~~(N) of this section;

(b) Any facility operated by the applicant or licensee has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or previous licenses;

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke such full or probationary licenses are governed by Chapter 119. of the Revised Code. An If an order has been issued pursuant to this division suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings.

Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section.

(3) In a proceeding initiated to suspend the admission of residents to a facility, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a

substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

(G)(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met:

(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(L)~~(N) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(H)(1)~~(J)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:

(a) Prior to issuance of a license for the facility;

(b) Prior to renewal of the license;

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(H)(2)~~(J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

(d) Upon complaint by any individual or agency;

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

~~(H)~~(K) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

~~(J)~~(L) The following may enter a residential facility at any time:

(1) Employees designated by the director of mental health and addiction services;

(2) Employees of an ADAMHS board under either of the following circumstances:

(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;

(b) When authorized by section 340.05 of the Revised Code.

(3) Employees of a community mental health services provider under either of the following circumstances:

(a) When the provider has a person receiving services residing in the facility;

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.

(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.

The persons specified in division ~~(J)~~(L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.

~~(K)~~(M) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.

~~(L)~~(N) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following:

(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;

(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;

(3) Procedures for conducting background investigations for prospective

or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;

(4) The fee to be paid when applying for a new residential facility license or renewing the license;

(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;

(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;

(7) Measures to be taken by residential facilities relative to residents' medication;

(8) Requirements relating to preparation of special diets;

(9) The maximum number of residents who may be served in a residential facility;

(10) The rights of residents of residential facilities and procedures to protect such rights;

(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.

~~(M)(1)(O)(1)~~ The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(2) Any person who makes a complaint under division ~~(M)(1)(O)(1)~~ of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.

~~(N)(1)(P)(1)~~ The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the

facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

~~(O)~~(Q) The director may fine a person for violating division ~~(K)~~ of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.36. (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its certifiable services and supports shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and shall evaluate the applicant to determine whether its certifiable services and supports satisfy the standards established by rules adopted under this section. The director shall make the evaluation, and, if the director conducts an on-site review of the applicant, may make the review, in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract with the applicant under section 340.036 of the Revised Code.

(B) Subject to section 5119.361 of the Revised Code, the director shall determine whether the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant satisfy the standards for certification. If the director determines that an applicant's certifiable services and supports satisfy the standards for certification and the applicant has paid the fee required by this section, the director shall certify the certifiable services and supports.

No community mental health services provider shall be eligible to receive for its certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those certifiable services and supports have been certified by the director.

No person or government entity subject to section 5119.35 of the Revised Code or any other community addiction services provider shall be eligible to receive for its services described in that section or its other

certifiable services and supports any state funds, federal funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless those services or other certifiable services and supports have been certified by the director.

(C) The director may refuse to certify certifiable services and supports, refuse to renew certification, or revoke certification if any of the following apply to an applicant for certification or the holder of the certification:

(1) The applicant or holder is not in compliance with rules adopted under this section.

(2) The applicant or holder has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the current certification period or any previous certification period.

(3) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation.

(D) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider that provides overnight accommodations, as provided in division (H) of this section, the order remains in effect during the pendency of those proceedings.

(E) If the director determines that a community mental health services provider applicant's or a community addiction services provider applicant's certifiable services and supports do not satisfy the standards for certification, the director shall identify the areas of noncompliance, specify what action is necessary to satisfy the standards, and may offer technical assistance to the applicant and to a board of alcohol, drug addiction, and mental health services so that the board may assist the applicant in satisfying the standards. The director shall give the applicant a reasonable time within which to demonstrate that its certifiable services and supports satisfy the standards or to bring them into compliance with the standards. If the director concludes that the certifiable services and supports continue to fail to satisfy the standards, the director may request that the appropriate board of alcohol, drug addiction, and mental health services reallocate any funds for the certifiable services and supports the applicant was to provide to another community mental health services provider or community addiction services provider whose certifiable services and supports satisfy the standards. If the board does not reallocate such funds in a reasonable period of time, the director may withhold state and federal funds for the certifiable services and supports and allocate those funds directly to a community mental health

services provider or community addiction services provider whose certifiable services and supports satisfy the standards.

~~(D)~~(F) Each community mental health services provider applicant or community addiction services provider applicant seeking certification of its certifiable services and supports under this section shall pay a fee for the certification required by this section, unless the applicant is exempt under rules adopted under this section. Fees shall be paid into the state treasury to the credit of the sale of goods and services fund created pursuant to section 5119.45 of the Revised Code.

~~(E)~~(G) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;

(j) The limitations to be placed on a provider whose certifiable services

and supports are granted probationary or interim certification;

(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:

(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;

(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;

(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;

(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.

(3) Establish the process for certification of certifiable services and supports;

(4) Set the amount of certification review fees;

(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.

~~(F)~~~~(H)~~(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:

~~(1)~~~~(a)~~ The provider's certifiable services and supports are not in compliance with rules adopted under this section;

~~(2)~~~~(b)~~ The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider.

(2)(a) Except as provided in division (H)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code.

(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the director may issue an order suspending admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(3) Appeals from proceedings initiated to order the suspension of

admissions shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The provider may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the provider's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the provider and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five days after the report is filed with the department.

(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.

~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending admissions to a community addiction services provider that provides overnight

accommodations, denies an application for certification of certifiable services and supports, refuses to renew certification, or revokes a certification, the department shall not grant an opportunity for submitting a plan of correction.

(J) The department of mental health and addiction services shall maintain a current list of community addiction services providers and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list shall identify each provider by its name, its address, and the county in which it is located.

~~(H)(K)~~ No person shall represent in any manner that a community mental health services provider's or community addiction services provider's certifiable services and supports are certified by the director if the certifiable services and supports are not so certified at the time the representation is made.

Sec. 5119.37. (A)(1)(a) Except as provided in division (A)(1)(b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

(b) Division (A)(1)(a) of this section does not apply to a program operated by the United States department of veterans affairs.

(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it.

(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction;

(b) Not having been the subject of any of the following in this state or another jurisdiction:

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person;

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval;

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program.

(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department.

(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C)(4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

~~(E) A~~ (E)(1) Except as provided in division (E)(2) of this section, a license to operate an opioid treatment program shall expire ~~one year~~ two years from the date of issuance. Licenses may be renewed.

(2) In circumstances in which the director of mental health and addiction services has concerns regarding compliance of a community addiction services provider licensed as an opioid treatment program, the department shall notify the provider of those concerns and stipulate that the

provider's license expires annually on a date determined by the department.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment program. The rules shall establish standards for the control, storage, furnishing, use, dispensing, and administering of medications used in medication-assisted treatment; prescribe minimum standards for the operation of the opioid treatment program component of the provider's operations; and comply with federal laws and regulations.

All rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. All actions taken by the department regarding the licensing of providers to operate opioid treatment programs shall be conducted in accordance with Chapter 119. of the Revised Code, except as provided in division (L) of this section.

(G)(1) The department shall inspect all community addiction services providers licensed to operate an opioid treatment program. Inspections shall be conducted at least ~~annually~~ biennially and may be conducted more frequently.

In addition, the department may inspect any provider or other person that it reasonably believes to be operating an opioid treatment program without a license issued under this section.

(2) When conducting an inspection, the department may do both of the following:

(a) Examine and copy all records, accounts, and other documents relating to the provider's or other person's operations, including records pertaining to patients or clients;

(b) Conduct interviews with any individual employed by or contracted or otherwise associated with the provider or person, including an administrator, staff person, patient, or client.

(3) No person or government entity shall interfere with a state or local government official acting on behalf of the department while conducting an inspection.

(H) A community addiction services provider shall not administer or dispense methadone in a tablet, powder, or intravenous form. Methadone shall be administered or dispensed only in a liquid form intended for ingestion.

A community addiction services provider shall not administer or dispense a medication used in medication-assisted treatment for pain or other medical reasons.

(I) As used in this division, "program sponsor" means a person who

assumes responsibility for the operation and employees of the opioid treatment program component of a community addiction services provider's operations.

~~A community addiction services provider shall not employ an individual who receives a medication used in medication-assisted treatment from that provider.~~ A provider shall not permit an individual to act as a program sponsor, medical director, or director of the provider if the individual is receiving that a medication used in medication-assisted treatment from any community addiction services provider.

(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance.

(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section.

Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership.

(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this section is in violation of any state or federal law or rule relating to drug abuse, the department may issue an order immediately revoking the license, subject to division (M) of this section. The department shall set a date not more than fifteen days later than the date of the order of revocation for a hearing on the continuation or cancellation of the revocation. For good cause, the department may continue the hearing on application of any interested party. In conducting hearings, the department has all the authority and power set forth in division (J) of this section. Following the hearing, the department shall either confirm or cancel the revocation. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code, except that the provider shall not be permitted to operate an opioid treatment program pending the hearing or pending any

appeal from an adjudication made as a result of the hearing. Notwithstanding any provision of Chapter 119. of the Revised Code to the contrary, a court shall not stay or suspend any order of revocation issued by the department under this division pending judicial appeal.

(M) The department shall not revoke a license to operate an opioid treatment program unless all clients receiving medication used in medication-assisted treatment from the community addiction services provider are provided adequate substitute medication or treatment. For purposes of this division, the department may transfer the clients to other providers licensed to operate opioid treatment programs or replace any or all of the administrators and staff of the provider with representatives of the department who shall continue on a provisional basis the opioid treatment component of the provider's operations.

(N) Each time the department receives an application from a community addiction services provider for a license to operate an opioid treatment program, issues or refuses to issue a license, or withdraws or revokes a license, the department shall notify the board of alcohol, drug addiction, and mental health services of each alcohol, drug addiction, and mental health service district in which the provider operates.

(O) Whenever it appears to the department from files, upon complaint, or otherwise, that a community addiction services provider has engaged in any practice declared to be illegal or prohibited by section 3719.61 of the Revised Code, or any other state or federal laws or regulations relating to drug abuse, or when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.43. (A) The director of mental health and addiction services may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of mental health and addiction services in the following manner:

(1) The director of mental health and addiction services shall designate

lands and facilities that are not needed by the department of mental health and addiction services and are under the jurisdiction of the department.

(2) The director of mental health and addiction services shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of mental health and addiction services a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of mental health and addiction services shall certify to the clerk of the house of representatives and to the clerk of the senate a list of all lands and facilities which may be sold or leased, and shall include with the list the results of the preliminary appraisals of the lands and facilities, a general description of the land and facilities, and a description of the current use of the land and facilities.

(4) Every list of lands and facilities certified by the director of mental health and addiction services to the clerk of the house of representatives and to the clerk of the senate under division (A)(3) of this section, shall immediately be transmitted by the respective clerks to the committees in the house and the senate to which land conveyance bills are usually referred. If either committee files in its clerk's office, within sixty calendar days of the original certification of the lands and facilities by the director of mental health and addiction services, a report disapproving the sale or lease of any lands or facilities, the sale or lease of the lands or facilities disapproved in the report shall not be made under this section. With respect to a sale or lease of lands and facilities that has not been disapproved under this division, the director of mental health and addiction services shall certify those lands and facilities to the ~~auditor of state~~ director of administrative services.

(5) After certification to the ~~auditor of state~~ director of administrative services under division (A)(4) of this section, the director of mental health and addiction services shall have a formal appraisal made of the lands and facilities by a disinterested professional appraiser from the department of administrative services. The director of mental health and addiction services may accept the formal appraisal or may reject it and order a new formal appraisal by a disinterested professional appraiser who shall not be from the department of administrative services. The director of mental health and addiction services may then sell or lease the lands or facilities in accordance with this division and department of administrative services procedures as set forth in Chapter 123. of the Revised Code. Any such deed or lease shall

be prepared and recorded pursuant to section 5301.13 of the Revised Code. The department of administrative services shall be the sole agent for the state and shall complete the sale or lease of the lands or facilities, up to and including the closing thereof, after the director of mental health and addiction services approves the sale price. The director of mental health and addiction services and the director of administrative services may, if it is determined to be in the best interests of the state, agree to sell surplus land for an amount less than the formal appraised value but shall not sell any land for less than two-thirds of the formal appraised value.

(B) Coincident with the certification made under division (A)(3) of this section concerning lands which may be sold, the director of mental health and addiction services shall give written notice of ~~the director's~~ intention to sell the lands by certified mail to the executive officer of each county, township, municipal corporation, and school district within which the lands are situated. In each notice, the director of mental health and addiction services shall specify the conditions under which the lands shall be sold, including whether the lands will be sold as a single unit or sold in specific parcels that the director designates, and shall solicit from the subdivision offers to purchase the lands in accordance with the conditions the director of mental health and addiction services has specified and at a price equal to the preliminary appraised value determined pursuant to division (A)(2) of this section. If, within thirty days of having certified the lands to the ~~auditor of state~~ director of administrative services under division (A)(4) of this section, the director of mental health and addiction services receives from the executive officer of a subdivision a written offer to purchase the lands at or above the price specified in the ~~director's~~ original notice from the director of mental health and addiction services to the officer, provided such offer otherwise complies with the conditions of purchase specified in the ~~director's~~ original notice from the director of mental health and addiction services, the director of mental health and addiction services shall forthwith enter into an agreement to sell the lands to the subdivision. The agreement shall incorporate any and all terms that are acceptable to both parties and that are consistent with the terms specified in the ~~director's~~ original notice from the director of mental health and addiction services. If no offer to purchase is received by the director of mental health and addiction services within the thirty-day period provided in this division, the ~~director's~~ original notice from the director of mental health and addiction services shall be considered withdrawn and the director of mental health and addiction services shall be under no obligation to sell any of the lands specified in the notice to the subdivision. If two or more offers to purchase the same parcels

of land are received by the director of mental health and addiction services within the required time period from the executive officers of two or more subdivisions, the director of mental health and addiction services shall accept the offer or offers to purchase that the director considers to be in the best interests of the state and of the department of mental health and addiction services and shall proceed to enter into agreements of sale pursuant to this division. If all of the ~~director's~~ original notices from the director of mental health and addiction services relating to a given parcel of land become withdrawn, the director of mental health and addiction services may thereupon proceed to sell the parcel as otherwise provided in this section. No subdivision may commence an action to enforce the provisions of this division, or to seek any other legal or equitable remedy relative to this division, with respect to any lands certified to the ~~auditor of state~~ director of administrative services under division (A)(4) of this section, except within sixty days of the date on which the lands were so certified.

(C) Any agreement under this section shall be at such terms as will be in the best interests of the state and the department of mental health and addiction services. However, the terms of any agreement for sale shall include a provision that the purchaser will abide by any comprehensive plan for the area that has been adopted by the local government in which the property is located before the parties enter into the agreement. No lease shall be of a duration greater than fifteen years. No agreement, except an agreement entered into under division (B) of this section, shall be entered into before the proposal to sell or lease the land or facilities has been advertised once each week for four weeks in a newspaper of general circulation in every county in which the lands or facilities are located and if the preliminary appraised value of the land to be sold or leased is more than one hundred thousand dollars, advertisement shall be made once each week for four weeks in at least two newspapers in the state having a daily circulation of one hundred thousand or more. If a city in this state is served by more than one newspaper having a circulation of one hundred thousand or more, advertisement may be made in only one of the newspapers serving the city.

(D) Each deed or lease prepared and recorded pursuant to this section shall contain a recital stating that all provisions of this section have been complied with. The recital shall be considered binding and conclusive against all subdivisions of the state provided no action has been commenced pursuant to division (B) of this section. Any deed or lease containing such a recital shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers,

lessees, or transferees of the property is concerned.

(E) Nothing in this section shall be construed as establishing a precedent for the disposal of state lands and facilities by other departments of the state.

Sec. 5119.99. (A) Whoever violates section 5119.333 of the Revised Code is guilty of a misdemeanor of the first degree.

(B) Whoever violates division (B) of section 5119.61 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division ~~(H)~~(K) of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.

Sec. 5120.035. (A) As used in this section:

(1) "Community treatment provider" means a program that provides substance use disorder assessment and treatment for persons and that satisfies all of the following:

(a) It is located outside of a state correctional institution.

(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this section in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code.

(c) All qualified prisoners referred and transferred to it under this section shall reside initially in the suitable facility specified in division (A)(1)(b) of this section while undergoing the assessment and treatment.

(2) "Electronic monitoring device" has the same meaning as in section 2929.01 of the Revised Code.

(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(4) "Qualified prisoner" means a person who satisfies all of the following:

(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the third, fourth, or fifth degree that is not an offense of violence.

~~(b) The person has not previously been convicted of or pleaded guilty to a felony offense of violence and, within the preceding five years, has not been convicted of or pleaded guilty to a misdemeanor offense of violence.~~

~~(e)~~ The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder.

~~(d)~~(c) The person has not more than twelve months remaining to be served under the prison term described in division (A)(4)(a) of this section.

~~(e)~~(d) The person is not serving any prison term other than the term described in division (A)(4)(a) of this section.

~~(f)~~(e) The person is eighteen years of age or older.

~~(g)~~(f) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification.

~~(h)~~(g) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section.

(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety.

(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 2967.193 of the Revised Code, but otherwise neither the placement nor the prisoner's participation in or completion of the program shall result in any reduction of the prisoner's prison term.

(2) If the department places a prisoner in the substance use disorder treatment program, the prisoner does not satisfactorily participate in the program, and the prisoner has not served the prisoner's entire prison term, the department may remove the prisoner from the program and return the prisoner to a state correctional institution.

(3) If the department places a prisoner in the substance use disorder treatment program and the prisoner is satisfactorily participating in the program, the department may permit the prisoner to reside at a residence approved by the department if the department determines, with input from

the community treatment provider, that residing at the approved residence will help the prisoner prepare for reentry into the community and will help reduce substance use relapses and recidivism for the prisoner. If a prisoner is permitted under this division to reside at a residence approved by the department, the prisoner shall be monitored during the period of that residence by an electronic monitoring device.

(D)(1) When a prisoner has been placed in the substance use disorder treatment program established under division (B) of this section, before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the department shall conduct and prepare an evaluation of the prisoner, the prisoner's participation in the program, and the prisoner's needs regarding substance use disorder treatment upon release. Before the prisoner is released from custody of the department upon completion of the prisoner's prison term, the parole board or the court acting pursuant to an agreement under section 2967.29 of the Revised Code shall consider the evaluation, in addition to all other information and materials considered, as follows:

(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section.

(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section.

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application.

(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state.

(2) Each community treatment provider that applies under division

(E)(1) of this section to participate in the program shall have the provider's alcohol and drug addiction services that provide substance use disorder treatment certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. A community treatment provider is not required to have the provider's halfway house or residential treatment certified by the department of mental health and addiction services.

(F) The department of rehabilitation and correction shall adopt rules for the operation of the substance use disorder treatment program it establishes under division (B) of this section and shall operate the program in accordance with this section and those rules. The rules shall establish, at a minimum, all of the following:

(1) Criteria that establish which qualified prisoners are eligible for the program;

(2) Criteria that must be satisfied to transfer a qualified prisoner to a residence pursuant to division (C)(3) of this section;

(3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section;

(4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section;

(5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment.

Sec. 5120.212. Notwithstanding division (A) of section 5120.21 of the Revised Code, the department of rehabilitation and correction shall share the records described in that division with the director of job and family services to the extent necessary to effectuate the data matching agreement required under section 5101.041 of the Revised Code.

Sec. 5120.62. The director of rehabilitation and correction shall adopt rules under Chapter 119. of the Revised Code that govern the establishment and operation of a system that provides limited and monitored access to the internet for prisoners ~~who are participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes~~ solely for a use or purpose approved by the managing officer of that prisoner's institution or by the managing officer's designee. The rules shall include all of the following:

(A) Criteria by which inmates may be screened and approved for access or training involving the internet;

(B) Designation of the authority to approve internet sites for authorized use;

(C) A requirement that only pre-approved sites will be accessible ~~on the~~

~~computers used by prisoners in the educational program;~~

(D) A process for the periodic review of the operation of the system, including users of the system and the sites accessed by the system;

(E) Sanctions that must be imposed against prisoners and staff members who violate department rules governing prisoner access to the internet.

Sec. 5123.025. It is hereby declared to be the policy of this state that individuals with developmental disabilities shall have access to innovative technology solutions. Technology can ensure that people with developmental disabilities have increased opportunities to live, work, and thrive in their homes, communities, and places of employment through state of the art planning, innovative technology, and supports that focus on their talents, interests, and skills.

The departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, and transportation; the opportunities for Ohioans with disabilities agency; and each other state agency that provides technology services to individuals with developmental disabilities shall implement the policy of this state and ensure that it is followed whenever technology services are provided to individuals with developmental disabilities.

The department of developmental disabilities, in partnership with the office of innovateohio, shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support the development of access to technology for individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with the technology first task force established under section 5123.026 of Revised Code, shall compile data and annually submit to the governor and lieutenant governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the state's policy.

Sec. 5123.026. (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, and transportation; and the opportunities for Ohioans with disabilities agency.

(B) The task force shall do all of the following:

(1) Expand innovative technology solutions within the operation and

delivery of services to individuals with developmental disabilities:

(2) Use technology to reduce the barriers individuals with developmental disabilities experience;

(3) Align policies for all state agencies on the task force.

(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;

(2) The projects and activities of the task force.

(D) The department and state agencies may adopt rules to implement the task force.

Sec. 5123.034. (A) As used in this section, "developmental center" has the same meaning as in section 5123.032 of the Revised Code.

(B) A developmental center of the department of developmental disabilities may provide services to both of the following:

(1) Individuals with developmental disabilities who reside in the community in which the developmental center is located;

(2) Providers who provide services to individuals with developmental disabilities who reside in the community in which the developmental center is located.

(C) The department may develop a method for recovering the costs associated with providing these services.

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the

Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code.

(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 of the Revised Code and rules adopted under section 5123.04 of the Revised Code, the director shall issue a new license for a residential facility if the facility meets the following conditions:

(a) The residential facility will be certified as an ICF/IID;

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;

(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;

(d) The residential facility will be located in Preble, Clermont, or Warren county;

(e) The residential facility will contain eight beds;

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses under division (C)(2) of this section.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential

facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

- (a) Each resident who receives services from the licensee;
- (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;
- (c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(F) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is five years after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(G) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ICFs/IID may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Classifications for the various types of residential facilities;

(6) The maximum number of individuals who may be served in a particular type of residential facility;

(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;

(8) Other standards for the operation of residential facilities and the services provided at residential facilities;

(9) Procedures for waiving any provision of any rule adopted under this section.

(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.

(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(a) Specify a date by which the licensee may appeal any of the citations;

(b) When appropriate, specify a timetable within which the licensee must submit a plan of correction describing how the problems specified in the citations will be corrected and, the date by which the licensee anticipates the problems will be corrected.

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H)(3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(I) In addition to any other information which may be required of applicants for a license pursuant to this section, the director shall require each applicant to provide a copy of an approved plan for a proposed residential facility pursuant to section 5123.042 of the Revised Code. This division does not apply to renewal of a license or to an applicant for an initial or modified license who meets the requirements of section 5123.197 of the Revised Code.

(J)(1) A licensee shall notify the owner of the building in which the licensee's residential facility is located of any significant change in the identity of the licensee or management contractor before the effective date of the change if the licensee is not the owner of the building.

(2) Pursuant to rules, which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may require notification to the department of any significant change in the ownership of a residential facility or in the identity of the licensee or management contractor. If the director determines that a significant change of ownership is proposed, the director shall consider the proposed change to be an application for development by a new operator pursuant to section 5123.042 of the Revised

Code and shall advise the applicant within sixty days of the notification that the current license shall continue in effect or a new license will be required pursuant to this section. If the director requires a new license, the director shall permit the facility to continue to operate under the current license until the new license is issued, unless the current license is revoked, refused to be renewed, or terminated in accordance with Chapter 119. of the Revised Code.

(3) A licensee shall transfer to the new licensee or management contractor all records related to the residents of the facility following any significant change in the identity of the licensee or management contractor.

(K) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(L) Before issuing a license under this section to a residential facility that will accommodate at any time more than one individual with a developmental disability, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the

comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen individuals with developmental disabilities as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned unit development districts may exclude these residential facilities from those districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate these residential facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.

This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code.

(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a residential facility without a license. The court may grant the injunction,

regardless of whether the residential facility meets the requirements for receiving a license under this section.

Sec. 5123.35. (A) There is hereby created the Ohio developmental disabilities council, which shall serve as an advocate for all persons with developmental disabilities. The council shall act in accordance with the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat. 2662 (1984)~~, 42 U.S.C. ~~6001, as amended 15001~~. The governor shall appoint the members of the council in accordance with 42 U.S.C. ~~6024 15025~~.

(B) The council shall develop the state plan required by federal law as a condition of receiving federal assistance under 42 U.S.C. ~~6021 to 6030 15021 to 15029~~. The department of developmental disabilities, as the state agency selected by the governor for purposes of receiving the federal assistance, shall receive, account for, and disburse funds based on the state plan and shall provide assurances and other administrative support services required as a condition of receiving the federal assistance.

(C) The federal funds may be disbursed through grants to or contracts with persons and government agencies for the provision of necessary or useful goods and services for persons with developmental disabilities. The council may award the grants or enter into the contracts.

(D) The council may award grants to or enter into contracts with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of one of the principal state agencies concerned with services for persons with developmental disabilities as specified in 42 U.S.C. ~~6024(b)(3) 15025(b)(4)~~, a representative of a university affiliated program as defined in 42 U.S.C. ~~6001(18) 15002(5)~~, or a representative of the Ohio protection and advocacy system, as defined in section 5123.60 of the Revised Code.

(2) The council determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(3) The member has not taken part in any discussion or vote of the council related to awarding the grant or entering into the contract, including service as a member of a review panel established by the council to award grants or enter into contracts or to make recommendations with regard to awarding grants or entering into contracts.

(E) A member of the council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (D)

of this section have been met.

(F)(1) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by interactive video conference and all of the following apply:

(a) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(b) A clear video and audio connection is established that enables all meeting participants at the primary meeting location to witness the participation of each member;

(c) A roll call vote is recorded for each vote taken;

(d) The minutes of the council identify which members participated by interactive video conference.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by teleconference and all of the following apply:

(a) The council has determined its membership does not have access to and the council cannot provide access to the equipment needed to conduct interactive video conferencing;

(b) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(c) A clear audio connection is established that enables all meeting participants at the primary meeting location to hear the participation of each member;

(d) A roll call vote is recorded for each vote taken;

(e) The minutes of the council identify which members participated by teleconference.

(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following:

(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person;

(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference;

(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;

(d) Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference;

(e) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference.

Sec. 5123.603. (A) Every two years, the president of the senate and speaker of the house of representative shall establish a joint committee to examine the activities of the state's protection and advocacy system and client assistance program.

(B)(1) The joint committee shall consist of three members of the senate appointed by the senate president, two from the majority party and one from the minority party, and three members of the house of representatives, two from the majority party and one from the minority party, appointed by the speaker of the house of representatives. The senate president and speaker of the house of representatives also shall determine the dates on which members' terms on the joint committee are to begin and end. Vacancies shall be filled in the manner of the original appointments. In odd-numbered years, the senate president shall designate a member of the senate as the chairperson of the committee and in even-numbered years, the speaker of the house of representatives shall designate a member of the house of representatives as the chairperson of the joint committee.

(2) In its sole discretion, the current entity serving as the state's protection and advocacy system and client assistance program may appear before, and offer testimony to, the joint committee.

(C) Every two years, the senate president and speaker of the house of representatives shall specify a deadline for the joint committee to complete a new report containing the joint committee's recommendations, if any. The joint committee shall submit the report to the senate president, speaker of the house of representatives, governor, and joint medicaid oversight committee by the deadline.

Sec. 5123.89. (A) As used in this section:

(1) "Family" means a parent, brother, sister, spouse, son, daughter, grandparent, aunt, uncle, or cousin.

(2) "Payment" means activities undertaken by a service provider or government entity to obtain or provide reimbursement for services provided to a person.

(3) "Treatment" means the provision of services to a person, including the coordination or management of services provided to the person.

(B) All certificates, applications, records, and reports made for the

purpose of this chapter, other than court journal entries or court docket entries, that directly or indirectly identify a resident or former resident of an institution for persons with intellectual disabilities or person whose institutionalization has been sought under this chapter shall be kept confidential and shall not be disclosed by any person except in the following situations:

(1) It is the judgment of the court for judicial records, and the managing officer for institution records, that disclosure is in the best interest of the person identified, and that person or that person's guardian or, if that person is a minor, that person's parent or guardian consents.

(2) Disclosure is provided for in other sections of this chapter.

(3) Disclosure is of a record deposited with the Ohio history connection pursuant to division (C) of section 5123.31 of the Revised Code and the disclosure is made to the closest living relative of the person identified, on the relative's request.

(4) Disclosure is needed for the treatment of a person who is a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization has been sought under this chapter or is needed for the payment of services provided to the person.

(5) Disclosure is needed for a guardianship proceeding under Chapter 2111. of the Revised Code.

(C) The department of developmental disabilities shall adopt rules with respect to the systematic and periodic destruction of residents' records.

(D) Upon the death of a resident or former resident of an institution for persons with intellectual disabilities or a person whose institutionalization was sought under this chapter, the managing officer of an institution shall provide access to the certificates, applications, records, and reports made for the purposes of this chapter to the resident's, former resident's, or person's guardian if the guardian makes a written request. If a deceased resident, former resident, or person whose institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request.

(E) No person shall reveal the contents of a record of a resident except as authorized by this chapter.

Sec. 5124.01. As used in this chapter:

(A) "Addition" means an increase in an ICF/IID's square footage.

(B) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (B)(1) of this section.

(C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation.

(E) "Case-mix score" means the measure determined under section 5124.192; or 5124.193; ~~or 5124.197~~ of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage an ICF/IID as the operator's

agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(G) "Cost center" means the following:

- (1) Capital costs;
- (2) Direct care costs;
- (3) Indirect care costs;
- (4) Other protected costs.

(H)(1) Except as provided in division (H)(2) of this section, "cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid payment rate determination is made begins.

(2) When a cost report the department of developmental disabilities accepts under division (A) or (C)(1)(b) of section 5124.101 of the Revised Code is used in determining an ICF/IID's medicaid payment rate, "cost report year" means the period that the cost report covers.

(I) "Costs of nonextensive renovations" means ~~the following:~~

~~(1) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, the actual expense incurred by the an ICF/IID for depreciation or amortization and interest on renovations approved by the department of developmental disabilities as nonextensive renovations;~~

~~(2) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, the actual expense incurred by the ICF/IID for depreciation or amortization and interest on renovations that are not extensive renovations.~~

(J)(1) "Costs of ownership" means the actual expenses incurred by an ICF/IID for all of the following:

(a) Subject to division (J)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

- (i) Buildings;
- (ii) Building improvements that are not approved as nonextensive

renovations for the purpose of section 5124.17 ~~or 5124.171~~ of the Revised Code;

(iii) Equipment;

(iv) Transportation equipment;

~~(v) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, extensive renovations.~~

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Except as provided in division ~~(BB)~~(AA) of this section, lease and rent of land, building, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.

(K)(1) "Date of licensure" means the following:

(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;

(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;

(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.

(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in

determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

(L) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

(M) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

(N) "Direct care costs" means all of the following costs incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;

(5) Costs of quality assurance;

(6) Costs of consulting and management fees related to direct care;

(7) Allocated direct care home office costs;

(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:

(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;

(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.

(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.

(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced

its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.

(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.

(Q) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.

(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.

(S) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.

(T) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.

(U) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;

(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;

(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;

(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.

~~(V)(1) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, "extensive renovation" means the following:~~

~~(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~

~~(i) It was started before July 1, 1993.~~

~~(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~

~~(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:~~

~~(i) It was started on or after July 1, 1993.~~

~~(ii) Except as provided in division (V)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed.~~

~~(iii) It extends the useful life of the assets for at least ten years.~~

~~(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~

~~(3) For the purpose of division (V)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~

~~(W)(1)~~ Subject to divisions ~~(W)(2)~~ (V)(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents;

(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;

(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;

(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;

(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.

(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.

~~(X)(W)~~ "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.

~~(Y)(X)~~ "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

~~(Z)~~(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.

~~(BB)~~(1)(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs, as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in this division. Notwithstanding division (J) of this section, "indirect care costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the ICF/IID's cost report for the cost reporting period ending December 31, 1992.

(2) For the purpose of division ~~(BB)~~(1)(AA)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles.

~~(CC)~~(BB) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

~~(DD)~~(CC) "Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).

~~(EE)~~(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken

at the operator's request.

~~(FF)(EE)~~ "Maintenance and repair expenses" means, ~~except as provided in division (XX)(2)(b) of this section,~~ expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

~~(GG)(FF)~~ "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

~~(HH)(GG)~~ "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

~~(H)(1)(HH)(1)~~ "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement.

(2) "New ICF/IID" does not mean either of the following:

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code;

(b) A downsized ICF/IID or partially converted ICF/IID.

~~(JJ)(II)~~ "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

~~(KK)(JJ)~~ "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID.

~~(LL)(KK)~~ "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code.

~~(MM)(1)(LL)(1)~~ "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID:

(a) The land on which the ICF/IID is located;

(b) The structure in which the ICF/IID is located;

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.

~~(OO)~~(1)(NN) For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division ~~(B)~~(A) of section 5124.15 of the Revised Code and the initial total per medicaid day payment rate determined for a new ICF/IID under section 5124.151 of the Revised Code:

~~(a)~~(1) "Peer group ~~1-A1~~" means each ICF/IID with a medicaid-certified capacity exceeding sixteen.

~~(b)~~(2) "Peer group ~~2-A2~~" means each ICF/IID with a medicaid-certified capacity exceeding eight but not exceeding sixteen.

~~(c)~~(3) "Peer group ~~3-A3~~" means each ICF/IID with a medicaid-certified capacity of seven or eight.

~~(d)~~(4) "Peer group ~~4-A4~~" means each ICF/IID with a medicaid-certified capacity not exceeding six, other than an ICF/IID that is in peer group 5-A.

~~(e)~~(5) "Peer group ~~5-A5~~" means each ICF/IID to which all of the following apply:

~~(i)~~(a) The ICF/IID is first certified as an ICF/IID after July 1, 2014.

~~(ii)~~(b) The ICF/IID has a medicaid-certified capacity not exceeding six.

~~(iii)~~(c) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID.

~~(iv)~~(d) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.

~~(2) For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division (C) of section 5124.15 of the Revised Code:~~

~~(a) "Peer group 1 B" means each ICF/IID with a medicaid-certified capacity exceeding eight.~~

~~(b) "Peer group 2 B" means each ICF/IID with a medicaid-certified capacity not exceeding eight, other than an ICF/IID that is in peer group 3.~~

~~(c) "Peer group 3 B" means each ICF/IID to which all of the following apply:~~

~~(i) The ICF/IID is first certified as an ICF/IID after July 1, 2014;~~

~~(ii) The ICF/IID has a medicaid-certified capacity not exceeding six;~~

~~(iii) The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID;~~

~~(iv) The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center.~~

~~(PP)(4)(OO)(1) Except as provided in divisions (PP)(2) and (3) division (OO)(2) of this section, "per diem" means an ICF/IID's desk-reviewed, actual, allowable costs in a given cost center in a cost reporting period, divided by the facility's inpatient days for that cost reporting period.~~

~~(2) When determining capital costs for the purpose of section 5124.171 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety five per cent.~~

~~(3) When determining indirect care costs for the purpose of section 5124.21 or 5124.211 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.~~

~~(QQ)(PP) "Provider" means an operator with a valid provider agreement.~~

~~(RR)(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.~~

~~(SS)(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.~~

~~(TT)(SS) "Reasonable" means that a cost is an actual cost that is~~

appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

~~(UU)~~(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(VV)~~(UU) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister.

~~(WW)~~(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

~~(XX)(1) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, "renovation" means the following:~~

~~(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~

~~(i) It was started before July 1, 1993.~~

~~(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.~~

~~(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:~~

~~(i) It was started on or after July 1, 1993.~~

~~(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.~~

~~(2) For the purpose of division (XX)(1) of this section, a renovation started on or after July 1, 1993, may include both of the following:~~

~~(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;~~

~~(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.~~

~~(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid certified capacity.~~

~~(YY)~~(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

~~(ZZ)~~(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

~~(AAA)~~(YY) "Sponsor" means an adult relative, friend, or guardian of an

ICF/IID resident who has an interest or responsibility in the resident's welfare.

~~(BBB)~~(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

~~(CCC)~~(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

~~(DDD)~~(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.101. (A) The provider of an ICF/IID in peer group ~~1-A~~1, peer group ~~2-A~~2, peer group ~~3-A~~3, or peer group ~~4-A~~, ~~peer group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or partially converted ICF/IID on or after July 1, 2013, or becomes a new ICF/IID on or after that date, may file with the department of developmental disabilities a cost report covering the period specified in division (B) of this section if the following applies to the ICF/IID:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID, the ICF/IID has either of the following on the day it becomes a downsized ICF/IID or partially converted ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID, the ICF/IID's beds are from a downsized ICF/IID and the downsized ICF/IID has either of the following on the day it becomes a downsized ICF/IID:

(a) A medicaid-certified capacity that is at least ten per cent less than its medicaid-certified capacity on the day immediately preceding the day it becomes a downsized ICF/IID;

(b) At least five fewer beds certified as ICF/IID beds than it has on the day immediately preceding the day it becomes a downsized ICF/IID.

(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.

(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID:

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

(C)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, the provider also shall do both of the following:

(a) File with the department a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code;

(b) File with the department another cost report for the ICF/IID that covers the portion of the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. Instead, the provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year.

(3) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect on or before the first day of October of a calendar year, the provider also shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the portion of that calendar year that the provider agreement was in effect.

(4) If the department accepts a cost report filed under division (A) of this section for a new ICF/IID that has a provider agreement that takes effect after the first day of October of a calendar year, the provider is not required to file a cost report that covers that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code covering the immediately following calendar year.

(D) The department shall refuse to accept a cost report filed under

division (A) or (C)(1)(b) of this section if either of the following apply:

(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers;

(2) The cost report is incomplete or inadequate.

(E) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section, the department shall use that cost report, rather than the cost report that otherwise would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, ~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the Revised Code, to determine the ICF/IID's medicaid payment rate in accordance with this chapter for ICF/IID services the ICF/IID provides during the period that begins and ends as follows:

(1) For a cost report filed under division (A) of this section, the period begins on the following:

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(i) The day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if that day is the first day of a month;

(ii) The first day of the month immediately following the month that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID if division (E)(1)(a)(i) of this section does not apply.

(b) In the case of a new ICF/IID, the day that the ICF/IID's provider agreement takes effect.

(2) For a cost report filed under division (A) of this section, the period ends on the following:

(a) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(i) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID is paid a rate determined using a cost report filed under division (C)(1)(b) of this section if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year;

(ii) The last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using a cost report that division (C)(2) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code if the ICF/IID became a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year.

(b) In the case of a new ICF/IID, the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid

a rate determined using a cost report that division (C)(3) or (4) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code.

(3) For a cost report filed under division (C)(1)(b) of this section, the period begins on the day immediately following the day specified in division (E)(2)(a)(i) of this section.

(4) For a cost report filed under division (C)(1)(b) of this section, the period ends on the last day of the fiscal year that immediately precedes the fiscal year for which the ICF/IID begins to be paid a rate determined using the cost report filed with the department in accordance with division (A) of section 5124.10 of the Revised Code that covers the calendar year that immediately follows the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

~~(F) If the department accepts a cost report filed under division (A) or (C)(1)(b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID, the following modifications shall be made for the purpose of determining the medicaid payment rate for ICF/IID services the ICF/IID provides during the period specified in division (E) of this section:~~

~~(1) In place of the quarterly case-mix score otherwise used in determining the ICF/IID's per medicaid day direct care costs component rate under division (A) of section 5124.19 of the Revised Code, the ICF/IID's case-mix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day direct care costs component rate if the department accepts a cost report filed under division (A) or (C)(1)(b) of this section by the provider of a downsized ICF/IID or partially converted ICF/IID.~~

~~(2) In place of the annual average casemix score otherwise used in determining the ICF/IID's per medicaid day payment rate for direct care costs under division (A) of section 5124.195 of the Revised Code, the ICF/IID's casemix score in effect on the last day of the calendar quarter that ends during the period the cost report covers (or, if more than one calendar quarter ends during that period, the last of those calendar quarters) shall be used to determine the ICF/IID's per medicaid day payment rate for direct care costs.~~

~~(3) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.171 of the Revised Code.~~

~~(4) The ICF/IID shall not be subject to the limit on the payment rate for~~

~~per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.171 of the Revised Code.~~

~~(5) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.171 of the Revised Code regardless of whether the ICF/IID is in peer group 1-B or peer group 2-B.~~

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions ~~(D)(B)~~ and ~~(E)(C)~~ of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) ~~Until July 1, 2021, the greater of the total per medicaid day payment rates determined under divisions (B) and (C) of this section;~~

~~(2) Beginning July 1, 2021, the total per medicaid day payment rate determined under division (B) of this section.~~

~~(B) The total per medicaid day payment rate determined under this division is the sum of all of the following:~~

~~(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;~~

~~(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;~~

~~(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;~~

~~(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;~~

~~(5) Until July 1, 2021, a direct support personnel payment equal to three and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;~~

~~(6) Beginning July 1, 2021, the The sum of the following:~~

~~(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;~~

~~(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.~~

~~(C) The total per medicaid day payment rate determined under this division is the sum of all of the following:~~

~~(1) The per medicaid day payment rate for capital costs determined for~~

~~the ICF/IID under section 5124.171 of the Revised Code;~~

~~(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.195 of the Revised Code;~~

~~(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.211 of the Revised Code;~~

~~(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.231 of the Revised Code;~~

~~(5) A direct support personnel payment equal to three and four hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.~~

~~(D)~~(B) The total per medicaid day payment rate for ~~the following~~ an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers:

~~(1) An ICF/IID that is in peer group 5-A for the purpose of the total per medicaid day payment rate determined under division (B) of this section;~~

~~(2) An ICF/IID that is in peer group 3-B for the purpose of the total per medicaid day payment rate determined under division (C) of this section.~~

~~(E)~~(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under ~~divisions (B) and (C)~~ of this section as directed by the general assembly through the enactment of law governing medicaid payments to ICF/IID providers.

~~(F)~~(1)~~(D)~~(1) In addition to paying an ICF/IID provider the total per medicaid day payment rate determined for the provider's ICF/IID under divisions (A), (B), and (C), ~~(D)~~, and ~~(E)~~ of this section for a fiscal year, the department may do either or both of the following:

(a) In accordance with section 5124.25 of the Revised Code, pay the provider a rate add-on for ventilator-dependent outlier ICF/IID services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on;

(b) In accordance with section 5124.26 of the Revised Code, pay the provider for outlier ICF/IID services the ICF/IID provides to residents identified as needing intensive behavioral health support services if the rate add-on is to be paid under that section and the department approves the provider's application for the rate add-on.

(2) The rate add-ons are not to be part of the ICF/IID's total per medicaid day payment rate.

Sec. 5124.151. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be the initial rate for ICF/IID services provided by a new ICF/IID. Instead, the initial total per

medicaid day payment rate for ICF/IID services provided by a new ICF/IID shall be determined in accordance with this section.

(B) The initial total per medicaid day payment rate for ICF/IID services provided by a new ICF/IID, other than an ICF/IID in peer group ~~5-A5~~, shall be determined in the following manner:

(1) The initial per medicaid day capital component rate shall be the median per medicaid day capital component rate for the ICF/IID's peer group for the fiscal year.

(2) The initial per medicaid day direct care costs component rate shall be determined as follows:

(a) If there are no cost or resident assessment data for the new ICF/IID as necessary to determine a rate under section 5124.19 of the Revised Code, the rate shall be determined as follows:

(i) Determine the median cost per case-mix unit under division (B) of section 5124.19 of the Revised Code for the new ICF/IID's peer group for the applicable cost report year;

(ii) Multiply the amount determined under division (B)(2)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for that period;

(iii) Adjust the product determined under division (B)(2)(a)(ii) of this section by the rate of inflation estimated under division (D) of section 5124.19 of the Revised Code.

(b) If the new ICF/IID is a replacement ICF/IID and the ICF/IID or ICFs/IID that are being replaced are in operation immediately before the new ICF/IID opens, the rate shall be the same as the rate for the replaced ICF/IID or ICFs/IID, proportionate to the number of ICF/IID beds in each replaced ICF/IID.

(c) If the new ICF/IID is a replacement ICF/IID and the ICF/IID or ICFs/IID that are being replaced are not in operation immediately before the new ICF/IID opens, the rate shall be determined under division (B)(2)(a) of this section.

(3) The initial per medicaid day indirect care costs component rate shall be the maximum rate for the new ICF/IID's peer group as determined for the fiscal year in accordance with division (C) of section 5124.21 of the Revised Code.

(4) The initial per medicaid day other protected costs component rate shall be one hundred fifteen per cent of the median rate for ICFs/IID determined for the fiscal year under section 5124.23 of the Revised Code.

(C) The initial total medicaid day payment rate for ICF/IID services provided by a new ICF/IID in peer group ~~5-A5~~ shall be determined in the

following manner:

(1) The initial per medicaid day capital component rate shall be \$29.61.

(2) The initial per medicaid day direct care costs component rate shall be \$264.89.

(3) The initial per medicaid day indirect care costs component rate shall be \$59.85.

(4) The initial per medicaid day other protected costs component rate shall be \$25.99.

(D)(1) Except as provided in division (D)(2) of this section, the department of developmental disabilities shall adjust a new ICF/IID's initial total per medicaid day payment rate determined under this section effective the first day of July, to reflect new rate determinations for all ICFs/IID under this chapter.

(2) If the department accepts, under division (A) of section 5124.101 of the Revised Code, a cost report filed by the provider of a new ICF/IID, the department shall adjust the ICF/IID's initial total per medicaid day payment rate in accordance with divisions (E) and (F) of that section rather than division (D)(1) of this section.

Sec. 5124.152. (A) The total per medicaid day payment rate determined under section 5124.15 of the Revised Code shall not be paid for ICF/IID services provided by an ICF/IID, or discrete unit of an ICF/IID, designated by the department of developmental disabilities as an outlier ICF/IID or unit. Instead, the provider of a designated outlier ICF/IID or unit shall be paid each fiscal year a total per medicaid day payment rate that the department shall prospectively determine in accordance with a methodology established in rules authorized by this section.

(B) The department may designate an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or unit serves residents who have either of the following:

(1) Diagnoses or special care needs that require direct care resources that are not measured adequately by the resident assessment instrument specified in rules authorized by ~~sections~~ section 5124.191 ~~and 5124.196~~ of the Revised Code;

(2) Diagnoses or special care needs that are specified in rules authorized by this section as otherwise qualifying for consideration under this section.

(C) Notwithstanding any other provision of this chapter, the costs incurred by a designated outlier ICF/IID or unit shall not be considered in establishing medicaid payment rates for other ICFs/IID or units.

(D) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section.

(1)(a) The rules shall do both of the following:

(i) Specify the criteria and procedures the department will apply when designating an ICF/IID, or discrete unit of an ICF/IID, as an outlier ICF/IID or unit;

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/IID services provided by a designated outlier ICF/IID or unit.

(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall do both of the following:

(i) Provide for consideration of whether all of the allowable costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid by the rate determined under section 5124.15 of the Revised Code;

(ii) Specify the minimum number of ICF/IID beds that an ICF/IID, or discrete unit of an ICF/IID, must have to be designated an outlier ICF/IID or unit.

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/IID and units shall not limit the designation to ICFs/IID, or discrete units of ICFs/IID, located in large cities.

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/IID and units shall provide for the methodology to consider the historical costs of providing ICF/IID services to the residents of designated outlier ICFs/IID and units.

(2)(a) The rules may do both of the following:

(i) Include for designation as an outlier ICF/IID or unit, an ICF/IID, or discrete unit of an ICF/IID, that serves residents who have complex medical conditions or severe behavioral problems;

(ii) Require that a designated outlier ICF/IID or unit receive authorization from the department before admitting or retaining a resident.

(b) If the director adopts rules authorized by division (D)(2)(a)(ii) of this section regarding the authorization of a designated outlier ICF/IID or unit to admit or retain a resident, the rules shall specify the criteria and procedures the department will apply when granting the authorization.

Sec. 5124.17. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day capital component rate. An ICF/IID's rate for a fiscal year shall equal the sum of the following:

(1) The lesser of the following:

- (a) The sum of all of the following:
 - (i) The ICF/IID's per diem fair rental value rate for the fiscal year as determined under division (B) of this section;
 - (ii) The ICF/IID's per diem equipment rate for the fiscal year as determined under division (D) of this section;
 - (iii) The ICF/IID's per diem secondary building rate for the fiscal year as determined under division (E) of this section.
- (b) The sum determined for the fiscal year under division (G) of this section.
- (2) The ICF/IID's per diem nonextensive renovation rate for the fiscal year as determined under division (H) of this section.
- (B) An ICF/IID's per diem fair rental value rate for a fiscal year is the quotient of the following:
 - (1) The ICF/IID's fair rental value as determined under division (C) of this section;
 - (2) The greater of the following:
 - (a) The number of the ICF/IID's inpatient days for the applicable cost report year;
 - (b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.
- (C)(1) An ICF/IID's fair rental value is the product of the following:
 - (a) The sum of the following:
 - (i) The ICF/IID's depreciated current asset value as determined under division (C)(2) of this section;
 - (ii) The ICF/IID's land value as determined under division (C)(10) of this section.
 - (b) Eleven per cent.
- (2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C)(3) of this section, depreciated by the product of the following:
 - (a) The ICF/IID's effective age as determined under division (C)(5) of this section;
 - (b) One and six-tenths per cent.
- (3) An ICF/IID's current asset value is the product of the following:
 - (a) The ICF/IID's value per square foot as determined under division (C)(4) of this section;
 - (b) The lesser of the ICF/IID's square footage and the following:
 - (i) If the ICF/IID is in peer group ~~1-A1~~ and is a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year

multiplied by one thousand;

(ii) If the ICF/IID is in peer group ~~1-A1~~ and is not a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by five hundred fifty;

(iii) If the ICF/IID is in peer group ~~2-A2~~ and is a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by one thousand;

(iv) If the ICF/IID is in peer group ~~2-A2~~ and is not a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by seven hundred fifty;

(v) If the ICF/IID is in peer group ~~3-A3~~, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by eight hundred fifty;

(vi) If the ICF/IID is in peer group ~~4-A4~~ or peer group ~~5-A5~~, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by nine hundred.

(4)(a) An ICF/IID's value per square foot shall be determined by using the version of the following RS means data that was most recently published at the time the determination is made:

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, the RS means data for assisted-senior living facility construction costs;

(ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, the RS means data for nursing home construction costs.

(b) Except as provided in division (C)(4)(c) of this section, in determining an ICF/IID's value per square foot, the following modifier shall be used:

(i) If the ICF/IID is located in Summit county, the modifier specified in the applicable RS means data for Akron;

(ii) If the ICF/IID is located in Athens county, the modifier specified in the applicable RS means data for Athens;

(iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, Medina, Portage, Stark, Trumbull, or Wayne county, the modifier specified in the applicable RS means data for Canton;

(iv) If the ICF/IID is located in Ross county, the modifier specified in the applicable RS means data for Chillicothe;

(v) If the ICF/IID is located in Hamilton county, the modifier specified in the applicable RS means data for Cincinnati;

(vi) If the ICF/IID is located in Cuyahoga county, the modifier specified in the applicable RS means data for Cleveland;

(vii) If the ICF/IID is located in Franklin county, the modifier specified

in the applicable RS means data for Columbus;

(viii) If the ICF/IID is located in Montgomery county, the modifier specified in the applicable RS means data for Dayton;

(ix) If the ICF/IID is located in Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, or Warren county, the modifier specified in the applicable RS means data for Hamilton;

(x) If the ICF/IID is located in Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the modifier specified in the applicable RS means data for Lima;

(xi) If the ICF/IID is located in Lorain county, the modifier specified in the applicable RS means data for Lorain;

(xii) If the ICF/IID is located in Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier specified in the applicable RS means data for Mansfield;

(xiii) If the ICF/IID is located in Marion county, the modifier specified in the applicable RS means data for Marion;

(xiv) If the ICF/IID is located in Clark county, the modifier specified in the applicable RS means data for Springfield;

(xv) If the ICF/IID is located in Jefferson county, the modifier specified in the applicable RS means data for Steubenville;

(xvi) If the ICF/IID is located in Lucas county, the modifier specified in the applicable RS means data for Toledo;

(xvii) If the ICF/IID is located in Mahoning county, the modifier specified in the applicable RS means data for Youngstown;

(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or Washington county, the modifier specified in the applicable RS means data for Zanesville.

(c) If a modifier ceases to be specified in the applicable RS means data for a city listed in division (C)(4)(b) of this section, the director of developmental disabilities shall specify in rules adopted under section 5124.03 of the Revised Code a different modifier for the counties that are affected by the change.

(5) An ICF/IID's effective age shall be determined as follows:

(a) Determine the sum of the numbers of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the

immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(a) of this section;

(b) Determine the sum of the numbers of the ICF/IID's new bed equivalents for additions that do not increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(a) of this section;

(c) Determine the sum of the numbers of the ICF/IID's new beds resulting from additions that increase the ICF/IID's medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(9)(a) of this section;

(d) Determine the sum of the sums determined under divisions (C)(5)(a), (b), and (c) of this section;

(e) Determine the difference of the following:

(i) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year;

(ii) The lesser of the amount specified in division (C)(5)(e)(i) of this section and the sum determined under division (C)(5)(d) of this section.

(f) For the purpose of determining the weighted age of the ICF/IID's original beds, determine the product of the following:

(i) The difference determined under division (C)(5)(e) of this section;

(ii) The ICF/IID's age as determined under division (C)(6) of this section.

(g) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for renovations for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(7)(c) of this section;

(h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section;

(i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for that period and each of those years under division (C)(9)(b) of this section;

(j) Determine the sum of the following:

(i) The product determined under division (C)(5)(f) of this section;

(ii) The sum of the sums determined under divisions (C)(5)(g), (h), and (i) of this section.

(k) Determine the quotient of the following:

(i) The sum determined under division (C)(5)(j) of this section;

(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.

(6) An ICF/IID's age is the lesser of the following:

(a) The difference between the following:

(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;

(ii) The calendar year in which the ICF/IID was initially constructed.

(b) Forty.

(7)(a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:

(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;

(ii) Seventy thousand dollars.

(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:

(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;

(ii) The calendar year the renovations were completed.

(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:

(i) The number, for that year, of the ICF/IID's new bed equivalents for renovations as determined under division (C)(7)(a) of this section;

(ii) The age of those new bed equivalents as determined under division (C)(7)(b) of this section.

(8)(a) The number, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the quotient of the following:

(i) The value of such additions made to the ICF/IID that year as determined under division (C)(8)(b) of this section;

(ii) Seventy thousand dollars.

(b) The value of additions that do not increase an ICF/IID's medicaid-certified capacity is the product of the following:

(i) The total square footage of the additions;

(ii) The ICF/IID's value per square foot as determined under division

(C)(4) of this section.

(c) The age of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the difference of the following:

(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;

(ii) The calendar year the additions were completed.

(d) The weighted age, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the product of the following:

(i) The number, for that year, of the ICF/IID's new bed equivalents for such additions as determined under division (C)(8)(a) of this section;

(ii) The age of those new bed equivalents as determined under division (C)(8)(c) of this section.

(9)(a) The number, for a year, of new beds resulting from additions that increase an ICF/IID's medicaid-certified capacity is the number by which the new beds increased the ICF/IID's medicaid-certified capacity that year.

(b) The weighted age, for a year, of new beds resulting from additions that increase an ICF/IID's medicaid-certified capacity is the product of the following:

(i) The number by which those new beds increased the ICF/IID's medicaid-certified capacity that year;

(ii) The difference of the calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section and the calendar year the ICF/IID's medicaid-certified capacity was so increased.

(10) An ICF/IID's land value is the product of the following:

(a) The ICF/IID's current asset value as determined under division (C)(3) of this section;

(b) Ten per cent.

(D) An ICF/IID's per diem equipment rate for a fiscal year shall be the lesser of the following:

(1) The quotient of the following:

(a) The ICF/IID's costs for capital equipment for the applicable cost report year;

(b) The greater of the following:

(i) The number of the ICF/IID's inpatient days for the applicable cost report year;

(ii) The number of inpatient days the ICF/IID would have had during

the applicable cost report year if its occupancy rate had been ninety-two per cent that year.

(2) The following amount:

(a) If the ICF/IID is in peer group ~~1-A~~1, five dollars;

(b) If the ICF/IID is in peer group ~~2-A~~2, six dollars and fifty cents;

(c) If the ICF/IID is in peer group ~~3-A~~3, eight dollars;

(d) If the ICF/IID is in peer group ~~4-A~~ 4 or peer group ~~5-A~~5, nine dollars.

(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:

(1) The ICF/IID's secondary building value as determined under division (F) of this section;

(2) The greater of the following:

(a) The number of the ICF/IID's inpatient days for the applicable cost report year;

(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.

(F)(1) An ICF/IID's secondary building value is the product of the following:

(a) The sum of the following:

(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2) of this section;

(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section.

(b) A rental rate of eleven per cent.

(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following:

(a) The age of the secondary building as determined under division (F)(5) of this section;

(b) One and six-tenths per cent.

(3) The current asset value of an ICF/IID's secondary building is the product of the following:

(a) The part of the secondary building's square footage that is allocated to the ICF/IID;

(b) The secondary building's value per square foot as determined under division (F)(4) of this section.

(4) The value per square foot of an ICF/IID's secondary building shall

be determined by using the following:

(a) Except as provided in division (F)(4)(b) of this section, the most recent national average commercial cost estimate for office/warehouse buildings according to information available at buildingjournal.com on the last day of the applicable cost report year;

(b) If the national average commercial cost estimate for office/warehouse buildings ceases to be available at buildingjournal.com, the most recent comparable cost estimate as specified in rules the director of developmental disabilities shall adopt under section 5124.03 of the Revised Code.

(5) The age of an ICF/IID's secondary building is the lesser of the following:

(a) The difference of the following:

(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;

(ii) The calendar year the secondary building was initially constructed.

(b) Forty.

(6) The land value of an ICF/IID's secondary building is the product of the following:

(a) The current asset value of the ICF/IID's secondary building as determined under division (F)(3) of this section;

(b) Ten per cent.

(G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii) of this section, the department shall determine the sum of the following for each ICF/IID for each fiscal year:

(1) The quotient of the following:

(a) The ICF/IID's desk-reviewed, actual, allowable capital costs for the applicable cost report year;

(b) The greater of the following:

(i) The number of the ICF/IID's inpatient days for the applicable cost report year;

(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.

(2) The following amount:

(a) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, three dollars;

(b) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, five dollars.

(3) The greater of the following:

(a) Ten per cent of the difference of the following:

(i) The sum of the quotient determined for the fiscal year under division (G)(1) of this section and the applicable amount specified in division (G)(2) of this section;

(ii) The sum determined for the fiscal year under division (A)(1)(a) of this section.

(b) Zero.

(H) An ICF/IID's per diem nonextensive renovation rate for a fiscal year is the following:

(1) If the sum of the ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is greater than the sum determined for the ICF/IID for the fiscal year under division (G) of this section, the lesser of the following:

(a) The ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section;

(b) The difference of the following:

(i) The sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section;

(ii) The sum determined for the ICF/IID for the fiscal year under division (G) of this section.

(2) If the sum of the ICF/IID's per diem costs of nonextensive renovation for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is less than or equal to the sum determined for the ICF/IID for the fiscal year under division (G) of this section, zero.

(I) An ICF/IID's per diem costs of nonextensive renovations for an applicable cost report year are the quotient of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable costs of nonextensive renovations for the applicable cost report year;

(2) The greater of the following:

(a) The number of the ICF/IID's inpatient days for the applicable cost report year;

(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per

cent that year.

(J) An ICF/IID's per diem costs of ownership for an applicable cost report year are the quotient of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable costs of ownership for the applicable cost report year;

(2) The greater of the following:

(a) The number of the ICF/IID's inpatient days for the applicable cost report year;

(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.

Sec. 5124.19. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day direct care costs component rate. An ICF/IID's rate shall be determined as follows:

(1) Determine the product of the following:

(a) The ICF/IID's quarterly case-mix score determined or assigned under section 5124.193 of the Revised Code for the following calendar quarter:

(i) For the rate determined for fiscal year 2019, the calendar quarter ending December 31, 2017;

(ii) For the rate determined for each subsequent fiscal year, the calendar quarter ending on the last day of March of the calendar year in which the fiscal year begins.

(b) The lesser of the following:

(i) The ICF/IID's cost per case-mix unit for the applicable cost report year as determined under division (B) of this section;

(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate is determined as determined under division (C) of this section.

(2) Adjust the product determined under division (A)(1) of this section by the inflation rate estimated under division (D) of this section.

(B) To determine an ICF/IID's cost per case-mix unit for a cost report year, the department shall determine the quotient of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem direct care costs for the cost report year;

(2) The ICF/IID's annual average case-mix score as determined under section 5124.193 of the Revised Code for the fiscal year for which the rate is determined.

(C)(1) The maximum cost per case-mix unit for a peer group for a fiscal year, other than peer group ~~5-A5~~, is the following percentage above the peer group's median cost per case-mix unit for that fiscal year:

- (a) For peer group ~~4-A1~~, sixteen per cent;
- (b) For peer group ~~2-A2~~, fourteen per cent;
- (c) For peer group ~~3-A3~~, eighteen per cent;
- (d) For peer group ~~4-A4~~, twenty-two per cent.

(2) The maximum cost per case-mix unit for peer group ~~5-A5~~ for a fiscal year is the ninety-fifth percentile of all ICFs/IID in peer group ~~5-A5~~ for the applicable cost report year.

(3) In determining the maximum cost per case-mix unit for a peer group under division (C)(1) of this section, the department shall exclude from its determination the cost per case-mix unit of any ICF/IID in the peer group that participated in the medicaid program under the same provider for less than twelve months during the applicable cost report year.

(4) In determining the maximum cost per case-mix unit for a peer group under division (C)(1) or (2) of this section, the department shall exclude from its determination the cost per case-mix unit of any ICF/IID in the peer group that has a case-mix score that was assigned by the department to the ICF/IID under division (B) of section 5124.193 of the Revised Code.

(5) The department shall not reset a peer group's maximum cost per case-mix unit for a fiscal year under division (C)(1) or (2) of this section based on additional information that the department receives after it sets the maximum for that fiscal year. The department shall reset a peer group's maximum cost per case-mix unit for a fiscal year only if it made an error in setting the maximum for that fiscal year based on information available to the department at the time it originally sets the maximum for that fiscal year.

(D) The department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable cost report year and ending on the last day of December of the fiscal year for which the rate is determined, using the following:

(1) Subject to division (D)(2) of this section, the employment cost index for total compensation, health care and social assistance component, published by the United States bureau of labor statistics;

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1) of this section, the index that is subsequently published by the bureau and covers the staff costs of ICFs/IID.

Sec. 5124.191. (A) As used in sections 5124.191 to 5124.193 of the Revised Code, "ICF/IID resident" includes an individual who is on hospital or therapeutic leave from an ICF/IID.

(B) In accordance with rules adopted under section 5124.03 of the Revised Code, the department of developmental disabilities shall assess each ICF/IID resident regardless of payment source and complete complete

assessment data on the residents. The department shall perform the initial assessment of an ICF/IID resident. The department may perform a subsequent assessment of an ICF/IID resident under any of the following circumstances:

(1) The provider of the ICF/IID in which the resident resides or from which the resident is on hospital or therapeutic leave has submitted to the department under division (D) of this section revised assessment data for the resident or an attestation of no changes in the resident's assessment data and the department has reason to believe that the revised assessment data or attestation is inaccurate;

(2) The department has reason to believe that the resident's most recent assessment no longer accurately reflects the resident's condition;

(3) The department determines that the resident's most recent assessment should be updated because of the passage of time since that assessment was performed.

(C) If an ICF/IID provider disagrees with the results of an assessment performed by the department under this section, the provider may request that the department reconsider the results in accordance with rules adopted under section 5124.03 of the Revised Code.

(D) After the department assesses an ICF/IID resident under this section, the provider of the ICF/IID in which the resident resides or from which the resident is on hospital or therapeutic leave shall submit to the department, not later than fifteen days after the end of each subsequent calendar quarter and through the medium or media specified in rules adopted under section 5124.03 of the Revised Code, either of the following:

(1) Revised assessment data for the resident if there are changes in the resident's assessment data;

(2) An attestation that there are no changes in the resident's assessment data.

(E) A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile or revise assessment data of ICF/IID residents under this section. ~~The resident assessment instrument used for the purpose of this section may be different from the resident assessment instrument used for the purpose of section 5124.196 of the Revised Code.~~

Sec. 5124.21. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day indirect care costs component rate. An ICF/IID's rate shall be the lesser of the individual rate determined under division (B) of this section and the maximum rate determined for the ICF/IID's peer group under division (C) of this section.

(B) An ICF/IID's individual rate is the sum of the following:

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem indirect care costs for the applicable cost report year, adjusted for the inflation rate estimated under division (E) of this section;

(2) Subject to division (D) of this section, an efficiency incentive equal to the difference between the amount of the per diem indirect care costs for the applicable cost report year determined for the ICF/IID under division (B)(1) of this section and the maximum rate established for the ICF/IID's peer group under division (C) of this section for that year.

(C)(1) The maximum rate for an ICF/IID's peer group shall be the following percentage above the peer group's median per diem indirect care costs for the applicable cost report year:

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent;

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten per cent;

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, twelve per cent.

(2) The department shall not redetermine a peer group's maximum rate under division (C)(1) of this section based on additional information that it receives after the maximum rate is set. The department shall redetermine a peer group's maximum rate only if the department made an error in computing the maximum rate based on the information available to the department at the time of the original calculation.

(D) The efficiency incentive for an ICF/IID shall not exceed the following:

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of the peer group's maximum rate established under division (C)(1)(a) of this section;

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer group's maximum rate established under division (C)(1)(b) or (c) of this section.

(E) When adjusting rates for inflation under division (B)(1) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable cost report year and ending on the thirty-first day of December of the fiscal year for which the rate is determined. To estimate the rate of inflation, the department shall use the following:

(1) Subject to division (E)(2) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (E)(1) of this section, a comparable index that the

bureau publishes and the department determines is appropriate.

Sec. 5124.23. For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day other protected costs component rate. An ICF/IID's rate shall be the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs from the applicable cost report year, adjusted for inflation using the following:

(A) Subject to division (B) of this section, the consumer price index for all urban consumers for nonprescription drugs and medical supplies, as published by the United States bureau of labor statistics;

(B) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(B)(1)(A)~~ of this section, the index that is subsequently published by the bureau and covers nonprescription drugs and medical supplies.

Sec. 5124.29. Except as otherwise provided in section 5124.30 of the Revised Code, the department of developmental disabilities, in determining whether an ICF/IID's direct care costs and indirect care costs are allowable, shall place no limit on specific categories of reasonable costs other than compensation of owners, compensation of relatives of owners, and compensation of administrators.

Compensation cost limits for owners and relatives of owners shall be based on compensation costs for individuals who hold comparable positions but who are not owners or relatives of owners, as reported on ICFs/IID's cost reports. As used in this section, "comparable position" means the position that is held by the owner or the owner's relative, if that position is listed separately on the cost report form, or if the position is not listed separately, the group of positions that is listed on the cost report form and that includes the position held by the owner or the owner's relative. In the case of an owner or owner's relative who serves the ICFs/IID in a capacity such as corporate officer, proprietor, or partner for which no comparable position or group of positions is listed on the cost report form, the compensation cost limit shall be based on civil service equivalents and shall be specified in rules adopted under section 5124.03 of the Revised Code.

Compensation cost limits for administrators shall be based on compensation costs for administrators who are not owners or relatives of owners, as reported on ICFs/IID's cost reports. ~~For the purpose of determining an ICF/IID's total per medicaid day payment rate under division (C) of section 5124.15 of the Revised Code, compensation cost limits for administrators of four or more ICFs/IID shall be the same as the limits for administrators of ICFs/IID with one hundred fifty or more beds.~~

Sec. 5124.30. Except as provided in ~~sections~~ section 5124.17 ~~and~~

~~5124.171~~ of the Revised Code, the costs of goods, services, and facilities, furnished to an ICF/IID provider by a related party are includable in the allowable costs of the provider at the reasonable cost to the related party.

Sec. 5124.38. (A) The director of developmental disabilities shall establish a process under which an ICF/IID provider, or a group or association of ICF/IID providers, may seek reconsideration of medicaid payment rates established under this chapter, ~~including a rate for direct care costs redetermined before the effective date of the rate as a result of an exception review conducted under section 5124.198 of the Revised Code.~~ Except as provided in divisions (B) to (E) of this section, the only issue that a provider, group, or association may raise in the rate reconsideration is whether the rate was calculated in accordance with this chapter and the rules adopted under section 5124.03 of the Revised Code. The provider, group, or association may submit written arguments or other materials that support its position. The provider, group, or association and department shall take actions regarding the rate reconsideration within time frames specified in rules authorized by this section.

If the department determines, as a result of the rate reconsideration, that the rate established for one or more ICFs/IID is less than the rate to which the ICF/IID is entitled, the department shall increase the rate. If the department has paid the incorrect rate for a period of time, the department shall pay the provider of the ICF/IID the difference between the amount the provider was paid for that period for the ICF/IID and the amount the provider should have been paid for the ICF/IID.

(B)(1) The department, through the rate reconsideration process, may increase during a fiscal year the medicaid payment rate determined for an ICF/IID under this chapter if the provider demonstrates that the ICF/IID's actual, allowable costs have increased because of any of the following extreme circumstances:

(a) A natural disaster;

(b) ~~A nonextensive renovation approved under division (E) of section 5124.171 of the Revised Code;~~

(~~e~~) If the ICF/IID has an appropriate claims management program, an increase in the ICF/IID's workers' compensation experience rating of greater than five per cent;

~~(c)~~ If the ICF/IID is an inner-city ICF/IID, increased security costs;

(~~e~~)~~(d)~~ A change of ownership that results from bankruptcy, foreclosure, or findings by the department of health of violations of medicaid certification requirements;

~~(f)~~(~~e~~) Other extreme circumstances specified in rules authorized by this

section.

(2) An ICF/IID may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request.

(C) The department, through the rate reconsideration process, may increase an ICF/IID's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/IID.

(D)(1) ~~When~~ Subject to any applicable limitation under section 5124.17 of the Revised Code, when beds certified for the medicaid program are added to an existing ICF/IID or replaced at the same site, the department, through the rate reconsideration process, may ~~do either of the following to account for the costs of the beds that are added or replaced:~~

~~(a) Subject to any applicable limitation under section 5124.17 of the Revised Code, proportionately increase the ICF/IID's per medicaid day capital component rate determined under that section;~~

~~(b) Subject to any applicable limitation under section 5124.171 of the Revised Code, proportionately increase the ICF/IID's per medicaid day payment rate for reasonable capital costs determined under that section to account for the costs of the beds that are added or replaced.~~

(2) If the department grants an increase under division (D)(1)~~(a) or (b)~~ of this section, the increase shall go into effect one month after the first day of the month after the department receives sufficient documentation needed to determine the amount of the increase.

(3) ~~Any rate increase of an ICF/IID's per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that is granted under division (D)(1)(b) of this section after June 30, 1993, shall remain in effect until the earlier of the following:~~

~~(a) The effective date of a per medicaid day payment rate for reasonable capital costs determined under section 5124.171 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement;~~

~~(b) The date the provider of the ICF/IID begins to be paid a rate determined under division (B) of section 5124.15 of the Revised Code.~~

(4) The provider of an ICF/IID that has its per medicaid day payment rate for reasonable capital costs increased under division ~~(D)(1)(b)~~ (D)(1) of this section shall report double accumulated depreciation in an amount equal

to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which the rate increase is granted, the provider, if the ICF/IID is operated by the same provider, shall subtract from the interest costs it reports on the ICF/IID's cost report an amount equal to the difference between the following:

(a) The actual, allowable interest costs for the loan during the calendar year for which the costs are being reported;

(b) The actual, allowable interest costs attributable to the loan that were used to calculate the rates paid to the provider for the ICF/IID during the same calendar year.

(E) If the provider of an ICF/IID submits to the department revised assessment data for a resident of the ICF/IID under division (D) of section 5124.191 of the Revised Code and the revised assessment data results in at least a fifteen per cent increase in the ICF/IID's case-mix score determined under section 5124.193 of the Revised Code, the provider may request that the department, through the rate reconsideration process, increase the ICF/IID's per medicaid day direct care costs component rate determined under section 5124.19 of the Revised Code to account for the increase in the ICF/IID's case-mix score. If the department determines that the revised assessment data so increases the ICF/IID's case-mix score, the department shall grant the rate increase. The increase shall go into effect one month after the first day of the month after the department receives sufficient documentation needed to determine the amount of the increase.

(F) The department's decision at the conclusion of a rate reconsideration process is not subject to any administrative proceedings under Chapter 119. or any other provision of the Revised Code.

(G) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section.

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) of this section, if the provider of an ICF/IID in former peer group 1-B, as that group existed on the date immediately preceding the effective date of this amendment, obtained approval from the department of developmental disabilities to become a downsized ICF/IID not later than July 1, 2018, and the ICF/IID does not become a downsized ICF/IID by that date, the department shall recoup from the provider an amount equal to the sum of the following:

(1) The difference between the amount of the efficiency incentive payments the ICF/IID earned under former sections 5124.171 and 5124.211 of the Revised Code, as those sections existed on the date immediately

preceding the effective date of this amendment, because the provider obtained such approval and the amount of the efficiency incentive payments the ICF/IID would have earned under those sections had the provider not obtained such approval;

(2) An amount of interest on the difference determined under division (A)(1) of this section.

(B) The department shall exempt an ICF/IID provider from a recoupment otherwise required by this section if the provider voluntarily repays the department the difference determined under division (A)(1) of this section. No interest shall be charged on the amount voluntarily repaid.

(C) The department may exempt an ICF/IID provider from a recoupment otherwise required by this section if both of the following apply:

(1) The provider, on or before July 1, 2018, demonstrates to the department's satisfaction that the provider made a good faith effort to complete the downsizing by July 1, 2018, but the ICF/IID did not become a downsized ICF/IID by that date for reasons beyond the provider's control;

(2) The ICF/IID becomes a downsized ICF/IID within a period of time after July 1, 2018, that the department determines is reasonable.

(D) An ICF/IID provider subject to a recoupment under division (A) of this section or voluntarily making a repayment under division (B) of this section shall choose one of the following methods by which the recoupment or voluntary repayment shall be made:

(1) In a lump sum payment;

(2) Subject to the department's approval, in installment payments;

(3) In a single deduction from the next available medicaid payment made to the provider if that payment at least equals the total amount of the recoupment or voluntary repayment;

(4) Subject to the department's approval, in installment deductions from medicaid payments made to the provider.

(E) An ICF/IID provider may request that the director of developmental disabilities reconsider either or both of the following:

(1) A decision that the provider is subject to a recoupment under this section;

(2) A determination under this section of the amount to be recouped from the provider.

(F) The director shall adopt rules under section 5124.03 of the Revised Code as necessary to implement this section, including rules specifying how the amount of interest charged under division (A)(2) of this section is to be determined.

Sec. 5124.40. If an ICF/IID provider properly amends a cost report for an ICF/IID under section 5124.107 of the Revised Code and the amended report shows that the provider received a lower medicaid payment rate under the original cost report than the provider was entitled to receive, the department of developmental disabilities shall adjust the provider's rate for the ICF/IID prospectively to reflect the corrected information. The department shall pay the adjusted rate beginning two months after the first day of the month after the provider files the amended cost report.

~~If the department finds, from an exception review of resident assessment data conducted pursuant to section 5124.198 of the Revised Code after the effective date of an ICF/IID's rate for direct care costs that is based on the resident assessment data, that inaccurate resident assessment data resulted in the provider receiving a lower rate for the ICF/IID than the provider was entitled to receive, the department prospectively shall adjust the provider's rate for the ICF/IID accordingly. The department shall make payments to the provider using the adjusted rate for the remainder of the calendar quarter for which the resident assessment data is used to determine the rate, beginning one month after the first day of the month after the exception review is completed.~~

Sec. 5124.41. (A) The department of developmental disabilities shall redetermine a provider's medicaid payment rate for an ICF/IID using revised information if ~~any~~ either of the following results in a determination that the provider received a higher medicaid payment rate for the ICF/IID than the provider was entitled to receive:

(1) The provider properly amends a cost report for the ICF/IID under section 5124.107 of the Revised Code;

(2) The department makes a finding based on an audit under section 5124.109 of the Revised Code;

~~(3) The department makes a finding based on an exception review of resident assessment data conducted under section 5124.198 of the Revised Code after the effective date of the ICF/IID's rate for direct care costs that is based on the resident assessment data.~~

(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made:

(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be not greater than one and one-half times the current average bank prime rate.

(2) If the overpayment resulted from costs reported for a subsequent calendar year:

(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate.

(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate.

Sec. 5124.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code;

~~(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/IID under section 5124.198 of the Revised Code after the effective date of the ICF/IID's medicaid payment rate for direct care costs that is based on the resident assessment data;~~

~~(C)~~ Any medicaid payment deemed an overpayment under section 5124.523 of the Revised Code;

~~(D)~~(C) Any penalty the department imposes under section 5124.42 of the Revised Code or section 5124.523 of the Revised Code.

Sec. 5126.044. (A) As used in this section:

(1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code.

(2) "Treatment" means the provision, coordination, or management of services provided to an eligible person.

(3) "Payment" means activities undertaken by a service provider or governmental entity to obtain or provide reimbursement for services to an eligible person.

(B) Except as provided in division (C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists:

(1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written

request to the county board or entity for or approves in writing disclosure of the individual's identity or release of the record or report regarding the eligible person.

(2) Disclosure of the identity of an individual is needed for approval of a direct services contract under section 5126.032 or 5126.033 of the Revised Code. The county board shall release only the individual's name and the general nature of the services to be provided.

(3) Disclosure of the identity of the individual is needed to ascertain that the county board's waiting lists for programs or services are being maintained in accordance with section 5126.042 of the Revised Code and the rules adopted under that section. The county board shall release only the individual's name, the general nature of the programs or services to be provided the individual, the individual's rank on each waiting list that includes the individual, and any circumstances under which the individual was given priority when placed on a waiting list.

(4) Disclosure of the identity of an individual who is an eligible person is needed for treatment of or payment for services provided to the individual.

(5) Release of a record or report regarding an individual that is maintained by the county board or an entity under contract with a county board is requested by a probate court pursuant to a proceeding under Chapter 2111. of the Revised Code. Any record or report released under this division may only, in the court's discretion, be released to the parties to the proceeding.

(6) Release of a record or report regarding an individual that is maintained by the county board or an entity under contract with a county board is requested by the department of developmental disabilities for purposes of a proceeding under sections 5123.69 to 5123.79 of the Revised Code or for the department to comply with any court order issued under sections 2945.371 to 2945.402 of the Revised Code.

(C)(1) At the request of an eligible person or the person's guardian or, if the eligible person is a minor, the person's parent or guardian, a county board or entity under contract with a county board shall provide the person who made the request access to records and reports regarding the eligible person. On written request, the county board or entity shall provide copies of the records and reports to the eligible person, guardian, or parent. The county board or entity may charge a reasonable fee to cover the costs of copying. The county board or entity may waive the fee in cases of hardship.

(2) A county board shall provide access to any waiting list or record or report regarding an eligible person maintained by the board to any state

agency responsible for monitoring and reviewing programs and services provided or arranged by the county board, any state agency involved in the coordination of services for an eligible person, and any agency under contract with the department of developmental disabilities for the provision of protective service pursuant to section 5123.56 of the Revised Code.

(3) When an eligible person who requests programs or services under this chapter dies, the county board or entity under contract with the county board, shall, on written request, provide to both of the following persons any reports and records in the board or entity's possession concerning the eligible person:

(a) If the report or records are necessary to administer the estate of the person who is the subject of the reports or records, to the executor or administrator of the person's estate;

(b) To the guardian of the person who is the subject of the reports or records or, if the individual had no guardian at the time of death, to a person in the first applicable of the following categories:

- (i) The person's spouse;
- (ii) The person's children;
- (iii) The person's parents;
- (iv) The person's brothers or sisters;
- (v) The person's uncles or aunts;
- (vi) The person's closest relative by blood or adoption;
- (vii) The person's closest relative by marriage.

The county board or entity shall provide the reports and records as required by division (C)(3) of this section not later than thirty days after receipt of the request.

(D) A county board shall notify an eligible person, the person's guardian, or, if the eligible person is a minor, the person's parent or guardian, prior to destroying any record or report regarding the eligible person.

Sec. 5126.05. (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the state board of education pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits. A county board may provide benefits through an individual or joint self-insurance program as provided under section 9.833 of the Revised Code.

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;

(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;

(11) Set benchmarks for improving community employment outcomes.

(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised

Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code.

(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.

(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.

(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received by gift, grant, devise, or bequest shall be deposited in the county treasury to the credit of such board and shall be available for use by the board for purposes determined or stated by the donor or grantor, but may not be used for personal expenses of the board members. Any interest or earnings accruing from such gift, grant, devise, or bequest shall be treated in the same manner and subject to the same provisions as such gift, grant, devise, or bequest.

(G) The board of county commissioners shall levy taxes and make appropriations sufficient to enable the county board of developmental disabilities to perform its functions and duties, and may utilize any available local, state, and federal funds for such purpose.

Sec. 5126.054. Annually, on or before the thirty-first day of December each year, each county board of developmental disabilities shall, ~~by resolution, develop and~~ submit to the department of developmental disabilities ~~an annual plan that includes both of the following components:~~

(A) ~~The number of individuals with developmental disabilities residing in the county who are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the~~

~~service needs of those individuals; and the projected annualized cost for services;~~

~~(B) The~~ An annual waiver allocation projection that contains the projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;

~~(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;~~

~~(D) Any other applicable information or conditions that the department requires as a condition of approving the plan under section 5123.046 of the Revised Code~~ (B) Assurances that the county board does both of the following:

(1) Employs or contracts with a business manager, or has entered into an agreement with another county board that employs or contracts with a business manager to have that business manager serve both counties. The superintendent of a county board shall not serve as the business manager of the county board.

(2) Employs or contracts with a medicaid services manager, or has entered into an agreement with another county board that employs or contracts with a medicaid services manager to have that medicaid services manager serve both counties. The superintendent of a county board shall not serve as the medicaid services manager of the county board.

Sec. 5126.055. (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with a developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, all of the following apply:

(a) The county board shall make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an ICF/IID provides.

(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the

application, the reasons for the recommendation and denial at the hearing.

(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in the individual service plan. If either department under section 5166.21 of the Revised Code approves, reduces, denies, or terminates a service included in the plan because of the county board's recommendation, the board shall present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code.

(2) Perform any duties assigned to the county board in rules adopted under section 5126.046 of the Revised Code regarding the individual's right to choose a qualified and willing provider of the services and, at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative

authority under this section in accordance with all of the following:

~~(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;~~

~~(2)~~ All applicable federal and state laws;

~~(3)~~ (2) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

~~(4)~~ (3) The department of medicaid's supervision under its authority as the single state medicaid agency;

~~(5)~~ (4) The department of developmental disabilities' oversight.

(C) The departments of developmental disabilities and medicaid shall communicate with and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of developmental disabilities and medicaid, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the

adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.056. (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if ~~any~~ either of the following are the case:

~~(1) The county board fails to submit to the department all the components of its annual plan required by section 5126.054 of the Revised Code.~~

~~(2) The department disapproves the county board's annual plan under section 5123.046 of the Revised Code.~~

~~(3) The county board fails to implement its annual plan approved by the department.~~

~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.~~

~~(5)~~ (2) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code.

(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative

authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division.

A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity is to administer. The other county board or entity shall be known as the contracting authority.

If the department rejects the county board's recommendation regarding a contracting authority, the county board may appeal the rejection under section 5123.043 of the Revised Code.

If the county board does not submit a recommendation to the department regarding a contracting authority within the required time or the department rejects the county board's recommendation and the rejection is upheld pursuant to an appeal, if any, under section 5123.043 of the Revised Code, the department shall appoint an administrative receiver to administer the services for which the county board's medicaid local administrative authority is terminated. To the extent necessary for the department to appoint an administrative receiver, the department may utilize employees of the department, management personnel from another county board, or other individuals who are not employed by or affiliated with in any manner a person that provides home and community-based services or medicaid case management services pursuant to a contract with any county board. The administrative receiver shall assume full administrative responsibility for the county board's services for which the county board's medicaid local administrative authority is terminated.

The contracting authority or administrative receiver shall develop and submit to the department a plan of correction to remediate the problems that caused the department to issue the termination order. If, after reviewing the plan, the department approves it, the contracting authority or administrative receiver shall implement the plan.

The county board shall transfer control of state and federal funds it is otherwise eligible to receive for the services for which the county board's medicaid local administrative authority is terminated and funds the county

board may use under division (A) of section 5126.0511 of the Revised Code to pay the nonfederal share of the services that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay. The county board shall transfer control of the funds to the contracting authority or administrative receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

Sec. 5126.071. (A) As used in this section, "minority business enterprise" has the meaning given in division (E)(1) of section 122.71 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) or (D) of this section shall first apply to the ~~equal employment opportunity coordinator in the department of administrative services~~ development for certification as a minority business enterprise. The ~~coordinator~~ director of development shall approve the application of any minority business enterprise that complies with the rules adopted under section 122.71 of the Revised Code. The ~~coordinator~~ director shall prepare and maintain a list of minority business enterprises certified under this section.

(C) From the contracts to be awarded for the purchases of equipment, materials, supplies, insurance, and nonprogram services, other than contracts entered into and exempt under sections 307.86 and 5126.05 of the Revised Code, each county board of developmental disabilities shall select a number of contracts with an aggregate value of approximately fifteen per cent of the total estimated value of such contracts to be awarded in the current calendar year. The board shall set aside the contracts so selected for bidding by minority business enterprises only. The bidding procedures for such contracts shall be the same as for all other contracts awarded under section

307.86 of the Revised Code, except that only minority business enterprises certified and listed under division (B) of this section shall be qualified to submit bids. Contracts set aside and awarded under this section shall not include contracts for the purchase of services such as direct and ancillary services, service and support administration, residential services, and family support services.

(D) To the extent that a board is authorized to enter into contracts for construction which are not exempt from the competitive bidding requirements of section 307.86 of the Revised Code, the board shall set aside a number of contracts the aggregate value of which equals approximately five per cent of the aggregate value of construction contracts for the current calendar year for bidding by minority business enterprises only. The bidding procedures for the contracts set aside for minority business enterprises shall be the same as for all other contracts awarded by the board, except that only minority business enterprises certified and listed under division (B) of this section shall be qualified to submit bids.

Any contractor awarded a construction contract pursuant to this section shall make every effort to ensure that certified minority business subcontractors and materials suppliers participate in the contract. In the case of contracts specified in this division, the total value of subcontracts awarded to and materials and services purchased from minority businesses shall be at least ten per cent of the total value of the contract, wherever possible and whenever the contractor awards subcontracts or purchases materials or services.

(E) In the case of contracts set aside under divisions (C) and (D) of this section, if no bid is submitted by a minority business enterprise, the contract shall be awarded according to normal bidding procedures. The board shall from time to time set aside such additional contracts as are necessary to replace those contracts previously set aside on which no minority business enterprise bid.

(F) This section does not preclude any minority business enterprise from bidding on any other contract not specifically set aside for minority business enterprises.

(G) Within ninety days after the beginning of each calendar year, each county board of developmental disabilities shall file a report with the department of developmental disabilities that shows for that calendar year the name of each minority business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or

services, other than contracts entered into under the exemptions of sections 307.86 and 5126.05 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents that person as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 5126.131. (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall file with the department an annual cost report detailing the board's income and expenditures.

(B)(1)(a) Unless the department establishes a later date for all regional council cost reports, each council shall file its cost report not later than the last day of April. At the written request of a regional council, the department may grant a fourteen-day extension for filing the cost report.

(b) Unless the department establishes a later date for all county board cost reports, each board shall file its cost report not later than the last day of May. At the written request of a board, the department may grant a fourteen-day extension for filing the board's cost report.

(2) The cost report shall contain information on the previous calendar year's income and expenditures. Once filed by a regional council or board, no changes may be made to the cost report, including the submission of additional documentation, except as otherwise provided in this section.

(C) Each cost report filed under this section by a regional council or board ~~shall~~ may be audited by the department or an entity designated by the department, utilizing methodology approved by the United States centers for medicare and medicaid services. The department or designated entity shall notify the regional council or board of the date on which the audit is to begin. The department may permit a regional council or board to submit changes to the cost report before the audit begins.

If the department or designated entity determines that a filed cost report is not auditable, it shall provide written notification to the regional council or board of the cost report's deficiencies and may request additional documentation. If the department or designated entity requests additional documentation, the regional council or board shall be given sixty days after the request is made to provide the additional documentation. After sixty

days, the department or designated entity shall determine whether the cost report is auditable with any additional documentation provided and shall notify the regional council or board of its determination. The determination of the department or designated entity is final.

(D) The department or designated entity shall certify its audit as complete and file a copy of the certified audit in the office of the clerk of the governing body, executive officer of the governing body, and chief fiscal officer of the audited regional council or board. Changes may not be made to a cost report once the department or designated entity files the certified audit. The cost report is not a public record under section 149.43 of the Revised Code until copies of the cost report are filed pursuant to this section.

(E) The department may withhold any funds that it distributes to a regional council or board as subsidy payments if either of the following is the case:

(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section.

(2) The cost report is determined not auditable under division (C) of this section after the department or designated entity gives the regional council or board sixty days to provide additional documentation.

(F) Cost reports shall be retained by regional councils and boards for seven years. The department shall provide annual training to regional council and board employees regarding cost reports required by this section.

(G) The department, in accordance with Chapter 119. of the Revised Code, may adopt any rules necessary to implement this section.

Sec. 5145.31. (A) As used in this section, "computer," "computer network," "computer system," "computer services," "telecommunications service," and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(B) No officer or employee of a correctional institution under the control or supervision of the department of rehabilitation and correction shall provide a prisoner access to or permit a prisoner to have access to the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

(1) The prisoner is ~~participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes~~ accessing the internet solely for a use or purpose approved by the managing officer of that prisoner's institution or by the managing officer's designee.

(2) The provision of and access to the internet is in accordance with rules promulgated by the department of rehabilitation and correction pursuant to section 5120.62 of the Revised Code.

(C)(1) No prisoner in a correctional institution under the control or supervision of the department of rehabilitation and correction shall access the internet through the use of a computer, computer network, computer system, computer services, telecommunications service, or information service unless both of the following apply:

(a) The prisoner is ~~participating in an approved educational program with direct supervision that requires the use of the internet for training or research purposes~~ accessing the internet solely for a use or purpose approved by the managing officer of that prisoner's institution or by the managing officer's designee.

(b) The provision of and access to the internet is in accordance with rules promulgated by the department of rehabilitation and correction pursuant to section 5120.62 of the Revised Code.

(2) Whoever violates division (C)(1) of this section is guilty of improper internet access, a misdemeanor of the first degree.

Sec. 5149.31. (A) The department of rehabilitation and correction shall do all of the following:

(1) Establish and administer a program of subsidies for eligible counties and groups of counties for felony offenders and a program of subsidies for eligible municipal corporations, counties, and groups of counties for misdemeanor offenders for the development, implementation, and operation of community corrections programs. Department expenditures for administration of both programs of subsidies shall not exceed ten per cent of the moneys appropriated for each of the purposes of this division.

(2) Adopt and promulgate rules, under Chapter 119. of the Revised Code, providing standards for community corrections programs. The standards adopted by the department shall specify the class of offender whose degree of felony, whose community control sanction revocation history, or whose risk level as assessed by the single validated risk assessment tool described in section 5120.114 of the Revised Code, make the offender suitable for participation in community corrections programs. The rules shall make the level of subsidy provided to every county or group of counties contingent upon the number of offenders participating in community corrections programs each fiscal year who satisfy the participation suitability standards established by the department and upon the outcomes of any performance-based standards established by the department. The standards shall be designed to improve the quality and

efficiency of the programs, to support evidence-based policies and practices, as defined by the department, and to reduce the number of persons committed to state correctional institutions and to county, multicounty, municipal, municipal-county, or multicounty-municipal jails or workhouses for offenses for which community control sanctions are authorized under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In developing the standards, the department shall consult with, and seek the advice of, local corrections agencies, law enforcement agencies, and other public and private agencies concerned with corrections. The department shall conduct, and permit participation by local corrections planning boards established under section 5149.34 of the Revised Code and joint county corrections planning boards established under section 5149.35 of the Revised Code in, an annual review of the standards to measure their effectiveness in promoting the purposes specified in this division and shall amend or rescind any existing rule providing a standard or adopt and promulgate additional rules providing standards, under Chapter 119. of the Revised Code, if the review indicates that the standards fail to promote the purposes.

(3) Accept and use any funds, goods, or services from the federal government or any other public or private source for the support of the subsidy programs established under division (A) of this section. The department may comply with any conditions and enter into any agreements that it considers necessary to obtain these funds, goods, or services.

(4) Adopt rules, in accordance with Chapter 119. of the Revised Code, and do all other things necessary to implement sections 5149.30 to 5149.37 of the Revised Code;

(5) Evaluate or provide for the evaluation of community corrections programs funded by the subsidy programs established under division (A)(1) of this section and establish means of measuring their effectiveness;

(6) Prepare an annual report evaluating the subsidy programs established under division (A)(1) of this section. The report shall include, but need not be limited to, analyses of the structure of the programs and their administration by the department, the effectiveness of the programs in the development and implementation of community corrections programs, the specific standards adopted and promulgated under division (A)(2) of this section and their effectiveness in promoting the purposes of the programs, and the findings of the evaluations conducted under division (A)(5) of this section. The director of rehabilitation and correction shall review and certify the accuracy of the report and provide copies of it, upon request, to members of the general assembly.

(7) Provide training or assistance, upon the request of a local corrections

planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department.

(B)(1) In order to be eligible for the subsidies under this section, counties, groups of counties, and municipal corporations shall satisfy all applicable requirements under sections 2301.27 and 2301.30 of the Revised Code and, except for sentencing decisions made by a court when use of the risk assessment tool is discretionary, shall utilize the single validated risk assessment tool selected by the department under section 5120.114 of the Revised Code.

(2) The department shall give any county, group of counties, or municipal corporation found to be noncompliant with the requirements described in division (B)(1) of this section a reasonable period of time to come into compliance. If the noncompliant county, group of counties, or municipal corporation does not become compliant after a reasonable period of time, the department shall reduce or eliminate the subsidy granted to that county, group of counties, or municipal corporation.

Sec. 5149.38. (A) In each voluntary county, subject to division (B) of this section and not later than ~~October~~ September 29, 2017 2022, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does ~~both~~ all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in state fiscal year ~~2018~~ 2023 and succeeding state fiscal years under the targeting community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will apply to prison terms for felonies of the fifth degree or prison terms for felonies of the fourth and fifth degree pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(B) Two or more voluntary counties may join together to jointly

establish a memorandum of understanding of the type described in division (A) of this section. Not later than ~~October~~ September 29, 2017~~2022~~, a county commissioner from each of the affiliating voluntary counties representing the county's board of county commissioners, the administrative judge of the general division of the court of common pleas of each affiliating voluntary county, the sheriff of each affiliating voluntary county, and an official from any municipality operating a local correctional facility in the affiliating voluntary counties to which courts of the counties sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval the memorandum of understanding. The memorandum of understanding shall set forth the plans by which, and specify the manner in which, the affiliating counties will complete the tasks identified in divisions (A)(1) ~~and (2)~~ to (3) of this section.

(C) The department of rehabilitation and correction shall adopt rules establishing standards for approval of memorandums of understanding submitted to it under division (A) or (B) of this section. The department shall review the memorandums of understanding submitted to it and may require the county or counties that submit a memorandum to modify the memorandum. The director of rehabilitation and correction shall approve memorandums of understanding submitted to it under division (A) or (B) of this section that the director determines satisfy the standards adopted by the department within thirty days after receiving each memorandum submitted.

(D) Any person responsible for agreeing to, signing, and submitting a memorandum of understanding under division (A) or (B) of this section may delegate the person's authority to do so to an employee of the agency, entity, or office served by the person.

(E) The persons signing a memorandum of understanding under division (A) or (B) of this section, or their successors in office, may revise the memorandum as they determine necessary. Any revision of the memorandum shall be signed by the parties specified in division (A) or (B) of this section and submitted to the department of rehabilitation and correction for its approval under division (C) of this section within thirty days after the beginning of the state fiscal year.

(F)(1) In each county, commencing in calendar year ~~2018~~ 2023, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;

(F) Intervening;

(G) Providing services to children and their families;

(H) The importance of and need for accurate data;

(I) Preparation for court;

(J) Maintenance of case record information;

(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;

(L) Content on other topics relevant to child abuse, neglect, and

dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.

After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.

During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.

Sec. 5153.124. ~~(A)(A)(1)~~ The director of job and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code.

(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general assembly, the director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the circumstances under which an executive director of a public children services agency may waive portions of in-service training for PCSA caseworkers, in addition to the waiver described in section 5153.122 of the Revised Code.

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 5153.122 to 5153.127 of the Revised Code, the department of job and family services may require additional training for PCSA caseworkers and PCSA caseworker supervisors as necessary to comply with federal requirements.

Sec. 5153.163. (A) As used in this section, ~~"adoptive;~~

(1) "Adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(2) "Relative" has the same meaning as in section 5101.141 of the Revised Code.

(B)(1) Before a child's adoption is finalized, a public children services agency may enter into an agreement with the child's adoptive parent under which the agency, to the extent state funds are available, may make state adoption maintenance subsidy payments as needed on behalf of the child when all of the following apply:

(a) The child is a child with special needs.

(b) The child was placed in the adoptive home by a public children

services agency or a private child placing agency and may legally be adopted.

(c) The adoptive parent has the capability of providing the permanent family relationships needed by the child.

(d) The needs of the child are beyond the economic resources of the adoptive parent.

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.

(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

~~(C)(1) If, after the child's adoption is finalized, a public children services agency considers a child residing in the county served by the agency to be in need of public care or protective services, the agency may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the agency may make post adoption special services subsidy payments on behalf of the child~~

as needed when both of the following apply:

~~(a) The child has a physical or developmental handicap or mental or emotional condition that either:~~

~~(i) Existed before the adoption petition was filed; or~~

~~(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.~~

~~(b) The agency determines the expenses necessitated by the child's handicap or condition are beyond the adoptive parent's economic resources.~~

~~(2) Services for which a public children services agency may make post adoption special services subsidy payments on behalf of a child under this division shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.~~

~~(3) The department of job and family services shall establish clinical standards to evaluate a child's physical or developmental handicap or mental or emotional condition and assess the child's need for services.~~

~~(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.~~

~~(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that a public children services agency may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.~~

~~(6) A public children services agency may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:~~

~~(a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.~~

~~(b) Both of the following apply:~~

~~(i) A juvenile court issued an order granting legal custody of the child to~~

the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order.

(ii) The relative has committed to care for the child on a permanent basis.

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child.

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(e) Returning the child home or adoption are not appropriate permanency options for the child.

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child.

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement.

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended.

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need.

(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically handicapped person twenty-one years of age or older.

(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to

implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance payable under division (B) of this section;

(3) The definition of "child with special needs" for this section;

(4) The process whereby a child's continuing need for services provided under division (B) or (C) of this section is annually redetermined;

~~(5) The method of determining the amount, duration, and scope of services provided to a child under division (C) of this section;~~

~~(6) Any other rule, requirement, or procedure the department considers appropriate for the implementation of this section.~~

(F) The state adoption special services subsidy program ceases to exist on July 1, 2004, except that, subject to the findings of the annual redetermination process established under division (E) of this section and the child's individual need for services, a public children services agency may continue to provide state adoption special services subsidy payments on behalf of a child for whom payments were being made prior to July 1, 2004.

~~(G) No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of job and family services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person who wishes to adopt children, and is approved by an agency so empowered under Chapter 5103. of the Revised Code, or by a person who wishes to adopt a child with special needs as defined in rules adopted under this section, and who is approved by an agency so empowered under Chapter 5103. of the Revised Code, including the impossibility of entering into a payment agreement with such a person. The agency so maintaining such a child shall report its reasons for doing so to the department of job and family services. Benefits and services provided under this section are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like processes.~~

~~The department may take any action permitted under section 5101.24 of the Revised Code for an agency's failure to determine, redetermine, and report on a child's status.~~

Sec. 5162.82. Before making any payment rate increases greater than

ten per cent under the medicaid program, the medicaid director shall notify the joint medicaid oversight committee of the increase and be available to testify before the joint medicaid oversight committee regarding the increase.

Sec. 5163.06. The medicaid program shall cover all of the following optional eligibility groups:

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the ~~sixty-day~~ maximum postpartum period permitted under 42 U.S.C. 1396a(e) beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

Sec. 5163.061. The income eligibility threshold is two hundred per cent of the federal poverty line for women during pregnancy and the ~~sixty-day~~ postpartum period beginning on the last day of the pregnancy who are covered by the medicaid program under division (B) of section 5163.06 of the Revised Code.

Sec. 5163.52. If the department of medicaid receives federal funding for the medicaid program that is contingent on a temporary maintenance of effort restriction or that otherwise limits the department's ability to disenroll ineligible medicaid recipients, such as the requirements under Section 6008 of the "Families First Coronavirus Response Act," Pub. L. No. 116-127, the department shall do both of the following:

(A) Continue to conduct eligibility redeterminations under the medicaid

program and act on those redeterminations to the fullest extent permitted under federal law and regulations.

(B) Within sixty days of the expiration of the restriction or limitation, complete an audit in which the department does all of the following:

(1) Completes and acts on eligibility redeterminations for all medicaid recipients for whom a redetermination has not been conducted in the past twelve months;

(2) Requests approval from the United States centers for medicare and medicaid services to conduct and act on eligibility redeterminations on all medicaid recipients who were enrolled for three or more months, or other time period consistent with federal law or federal guidelines, during the period of restriction or limitation; the department shall, within ninety days of any such approval, conduct and act on the redeterminations. Any county department of job and family services assisting the department of medicaid with acting on redeterminations under this section may request from the department of job and family services, in consultation with the department of medicaid, up to thirty additional days to act on redeterminations.

(3) Submits a report summarizing the results of the audit to the speaker of the house of representatives and senate president in accordance with section 101.68 of the Revised Code.

Sec. 5164.34. (A) As used in this section:

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.

(4) "Person subject to the criminal records check requirement" means the following:

(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;

(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;

(c) An employee or prospective employee of a medicaid provider if both

of the following apply:

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.

(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.

(5) "Responsible entity" means the following:

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;

(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider.

(B) This section does not apply to any of the following:

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code;

(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, ~~3701.881~~ 3740.11, or 5164.342 of the Revised Code;

(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code.

(C) The department of medicaid may do any of the following:

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement;

(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(3) Require that any medicaid provider do the following:

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.

(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a

person subject to the criminal records check requirement and either of the following applies:

(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(2) No medicaid provider shall permit a person to be an owner, officer, or board member of the provider if the person is a person subject to the criminal records check requirement and either of the following applies:

(a) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(3) Except as provided in division (I) of this section, no medicaid provider shall employ a person if any of the following apply:

(a) The person has been excluded from being a medicaid provider, a medicare provider, or provider for any other federal health care program.

(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules authorized by this section regarding the database review prohibit the provider from employing a person included in the database.

(c) If the person is a person subject to the criminal records check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the

department or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section.

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this

state for the five-year period, the responsible entity may require that the person request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(G) Criminal records checks required by this section shall be obtained as follows:

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The person subject to the criminal records check requirement shall instruct the superintendent to submit the report of the criminal records check directly to the responsible entity. If the department or the department's designee is not the responsible entity, the department or designee may require the responsible entity to submit the report to the department or designee.

(H)(1) A medicaid provider may employ conditionally a person for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment.

(2) Except as provided in division (I) of this section, a medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if either of the following apply:

(a) The results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made.

(b) Regardless of when the results of the criminal records check are obtained, the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, unless circumstances specified in

rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person.

(I) As used in this division, "behavioral health services" means alcohol and drug addiction services, mental health services, or both.

A medicaid provider of behavioral health services may choose to employ a person who the provider would be prohibited by division (D)(3) of this section from employing or would be required by division (H)(2) of this section to terminate the person's employment if both of the following apply:

(1) The person holds a valid health professional license issued under the Revised Code granting the person authority to provide behavioral health services, holds a valid peer recovery supporter certificate issued pursuant to rules adopted by the department of mental health and addiction services, or is in the process of obtaining such a license or certificate.

(2) The provider does not submit any medicaid claims for any services the person provides.

(J) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(3) The department's designee;

(4) The medicaid provider who required the person who is the subject of the criminal records check to submit to the criminal records check;

(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) The denial or termination of a provider agreement;

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;

(c) A civil or criminal action regarding the medicaid program.

(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:

(1) Designate the categories of persons who are subject to a criminal

records check under this section;

(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;

(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.342. (A) As used in this section:

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified

under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section.

(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to

have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under section 3721.32 of the Revised Code;

(7) Any other database, if any, specified in rules authorized by this

section.

(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall require the applicant or employee to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the chief administrator may require the applicant or employee to request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) The chief administrator shall provide the following to each applicant and employee for whom a criminal records check is required by this section:

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Written notification that the applicant or employee is to instruct the superintendent to submit the completed report of the criminal records check directly to the chief administrator.

(3) A waiver agency shall pay to the bureau of criminal identification

and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for any criminal records check required by this section. However, a waiver agency may require an applicant to pay to the bureau the fee for a criminal records check of the applicant. If the waiver agency pays the fee for an applicant, it may charge the applicant a fee not exceeding the amount the waiver agency pays to the bureau under this section if the waiver agency notifies the applicant at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(G)(1) A waiver agency may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply:

(a) The waiver agency is not prohibited by division (C)(1) of this section from employing the applicant in a position that involves providing home and community-based services.

(b) The chief administrator of the waiver agency requires the applicant to request a criminal records check regarding the applicant in accordance with division (F)(1) of this section not later than five business days after the applicant begins conditional employment.

(2) A waiver agency that employs an applicant conditionally under division (G)(1) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any request for information from the federal bureau of investigation, are not obtained within the period ending sixty days after the date the request for the criminal records check is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant has been convicted of or has pleaded guilty to a disqualifying offense, the waiver agency shall terminate the applicant's employment unless circumstances specified in rules authorized by this section exist that permit the waiver agency to employ the applicant and the waiver agency chooses to employ the applicant.

(H) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;

(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;

(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;

(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;

(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;

(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program.

(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting a database review under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action

against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

Sec. 5165.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.

(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992.

(D) "Applicable calendar year" means the calendar year immediately preceding the calendar year that precedes the first of the state fiscal years for which a rebasing is conducted.

~~(E)(1)~~(E) For purposes of calculating a critical access nursing facility's occupancy rate and utilization rate under this chapter, "as of the last day of

the calendar year" refers to the occupancy and utilization rates during the calendar year identified in the cost report filed under section 5165.10 of the Revised Code.

~~(F)~~(1) "Capital costs" means the actual expense incurred by a nursing facility for all of the following:

(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:

(i) Buildings;

(ii) Building improvements;

(iii) Except as provided in division ~~(E)~~(D) of this section, equipment;

(iv) Transportation equipment.

(b) Amortization and interest on land improvements and leasehold improvements;

(c) Amortization of financing costs;

(d) Lease and rent of land, buildings, and equipment.

(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.

~~(F)~~(G) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.

~~(G)~~(H) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.

~~(H)~~(I) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;

(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;

(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not

constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

~~(I)~~(J) "Cost center" means the following:

(1) Ancillary and support costs;

(2) Capital costs;

(3) Direct care costs;

(4) Tax costs.

~~(I)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply:

(1) It has been measured, fitted, or adapted in consideration of either of the following:

(a) The body size or disability of the individual who is to use the wheelchair;

(b) The individual's period of need for, or intended use of, the wheelchair.

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair.

~~(K)~~~~(I)~~(L)(1) "Date of licensure" means the following:

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed;

(b) In the case of a nursing facility that was not required by law to be

licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home.

(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility;

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home.

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees.

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs.

~~(M)~~(N) "Direct care costs" means all of the following costs incurred by a nursing facility:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility;

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(M)~~(N)~~(8)~~(8) of this section, other persons holding degrees qualifying them to provide therapy;

(3) Costs of purchased nursing services;

(4) Costs of quality assurance;

(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in divisions ~~(M)~~(N)~~(1)~~(1), (2), (4), and (8) of this section;

(6) Costs of consulting and management fees related to direct care;

(7) Allocated direct care home office costs;

(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products,

physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;

(9) Costs of wheelchairs other than the following:

(a) Custom wheelchairs;

(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.

(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.

~~(N)~~(O) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

~~(O)~~(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.

~~(P)~~(Q) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.

~~(Q)~~(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.

~~(R)~~(S) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

~~(S)~~(T) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

~~(T)~~(U) "Exiting operator" means any of the following:

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

~~(U)~~(1)~~(V)~~(1) Subject to divisions ~~(U)~~(2)~~(V)~~(2) and (3) of this section, "facility closure" means either of the following:

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.

(2) A facility closure occurs regardless of any of the following:

(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;

(b) The nursing facility's residents relocating to another of the operator's nursing facilities;

(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities;

(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code.

(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs.

~~(V)~~(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code.

~~(W)~~(X) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility ~~that is included in the nursing facility's medicaid-certified capacity;~~

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.

~~(X)~~(Y) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request.

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data.

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing facility's expenditures that are necessary and proper to maintain an asset in a

normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes but is not limited to the costs of ordinary repairs such as painting and wallpapering.

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a nursing facility's beds that are certified for participation in medicaid as nursing facility beds.

~~(BB)~~(CC) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for nursing facility services occupies a bed in a nursing facility that is included in the nursing facility's medicaid-certified capacity;

(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code.

~~(CC)~~~~(1)~~(DD)(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.

(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).

~~(EE)~~(FF) "Nursing facility services" has the same meaning as in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f).

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed beds that, regardless of payer source, are either of the following:

(1) Reserved for use under section 5165.34 of the Revised Code;

(2) Actually being used.

(II) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing facility.

~~(HH)~~~~(1)~~(JJ)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding a nursing facility:

(a) The land on which the nursing facility is located;

(b) The structure in which the nursing facility is located;

(c) Any mortgage, contract for deed, or other obligation secured in

whole or in part by the land or structure on or in which the nursing facility is located;

(d) Any lease or sublease of the land or structure on or in which the nursing facility is located.

(2) "Owner" does not mean a holder of a debenture or bond related to the nursing facility and purchased at public issue or a regulated lender that has made a loan related to the nursing facility unless the holder or lender operates the nursing facility directly or through a subsidiary.

~~(H)~~(KK) "Per diem" means a nursing facility's actual, allowable costs in a given cost center in a cost reporting period, divided by the nursing facility's inpatient days for that cost reporting period.

~~(J)~~(LL) "Provider" means an operator with a provider agreement.

~~(K)~~(MM) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of a nursing facility for the provision of nursing facility services under the medicaid program.

~~(L)~~(NN) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the nursing facility.

~~(M)~~(OO) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

~~(N)~~(PP) "Rebasing" means a redetermination of each of the following using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous rebasing:

(1) Each peer group's rate for ancillary and support costs as determined pursuant to division (C) of section 5165.16 of the Revised Code;

(2) Each peer group's rate for capital costs as determined pursuant to division (C) of section 5165.17 of the Revised Code;

(3) Each peer group's cost per case-mix unit as determined pursuant to division (C) of section 5165.19 of the Revised Code;

(4) Each nursing facility's rate for tax costs as determined pursuant to section 5165.21 of the Revised Code.

~~(O)~~(QQ) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, the provider.

(1) An individual who is a relative of an owner is a related party.

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other nursing facilities from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by nursing facilities.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(PP)~~ (RR) "Relative of owner" means an individual who is related to an owner of a nursing facility by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister.

~~(QQ)~~ (SS) "Residents' rights advocate" has the same meaning as in section 3721.10 of the Revised Code.

~~(RR)~~ (TT) "Skilled nursing facility" has the same meaning as in the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a).

~~(SS)~~ (UU) "State fiscal year" means the fiscal year of this state, as

specified in section 9.34 of the Revised Code.

~~(TT)~~(VV) "Sponsor" has the same meaning as in section 3721.10 of the Revised Code.

~~(UU)~~(WW) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.

~~(VV)~~(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.

~~(WW)~~(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

~~(XX)~~(ZZ) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility.

Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.

(B) To the sum determined under division (A) of this section, add sixteen dollars and forty-four cents.

(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents.

~~(D) To the difference determined under division (C) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code.~~

~~(E)~~ To the sum determined under division ~~(D)~~(C) of this section, add,

for state fiscal year ~~2021~~ 2022 and for state fiscal year 2023, the per medicaid day quality incentive payment rate determined for the nursing facility under section 5165.26 of the Revised Code.

Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner:

(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.16 of the Revised Code.

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (C) of section 5165.17 of the Revised Code;

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (C) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section.

(4) The initial rate for tax costs shall be the following:

(a) If the provider of the new nursing facility submits to the department of medicaid the nursing facility's projected tax costs for the calendar year in which the provider obtains an initial provider agreement for the new nursing facility, an amount determined by dividing those projected tax costs by the number of inpatient days the nursing facility would have for that calendar year if its occupancy rate were one hundred per cent;

(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code.

~~(5) The quality payment shall be the mean quality payment rate determined for nursing facilities under section 5165.25 of the Revised Code.~~

~~(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to (5)(4) of this section.~~

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that

participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities.

(C) Subject to division (D) of this section, the department of medicaid shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.16. (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group.

(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups composed as follows:

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga,

Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

(3) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

(C)(1) The department shall determine the rate for ancillary and support costs for each peer group established under division (B) of this section. The rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:

(a) ~~Subject to division (C)(2) of this section, determine~~ Determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (C)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Except as provided in division (C)(1)(c)(ii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(ii) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1)(c)(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

~~(2) For the purpose of determining a nursing facility's occupancy rate under division (C)(1)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity unless the nursing facility also removes the beds from its licensed bed capacity.~~

~~(3)~~ In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following:

(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

~~(4)~~(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

Sec. 5165.17. (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group.

(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups.

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two.

(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, Ashtabula, Champaign, Clark,

Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four.

(3) Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and Wyandot. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group five. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group six.

(C)(1) The department shall determine the rate for capital costs for each peer group established under division (B) of this section. The rate for capital costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. A peer group's rate for capital costs shall be the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) ~~Subject to division (C)(3) of this section, use~~ Use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

~~(3) For the purpose of determining a nursing facility's occupancy rate under division (C)(2)(a) of this section, the department shall include any beds that the nursing facility removes from its medicaid-certified capacity after June 30, 2005, unless the nursing facility also removes the beds from its licensed bed capacity.~~

~~(4)~~ The department shall not redetermine a peer group's rate for capital costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for capital costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination.

(D) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5165.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under this chapter is used to reimburse the government agency.

(E) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division (E)(3) of this section, for purposes of calculating the rates to be paid for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the state fiscal year during which the rate will be paid.

(2) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program, except as otherwise provided in this chapter.

(3) Except as provided in division (E)(4) of this section, if a provider transfers an interest in a facility to another provider after June 30, 1993, there shall be no increase in the capital cost basis of the asset if the providers are related parties or the provider to which the interest is transferred authorizes the provider that transferred the interest to continue to operate the facility under a lease, management agreement, or other arrangement. If the previous sentence does not prohibit the adjustment of the capital cost basis

under this division, the basis of the asset shall be adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time that the transferor held the asset.

(4) If a provider transfers an interest in a facility to another provider who is a related party, the capital cost basis of the asset shall be adjusted as specified in division (E)(3) of this section if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) Except as provided in division (E)(4)(c)(ii) of this section, the provider making the transfer retains no ownership interest in the facility;

(c) The department determines that the transfer is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a transfer is an arm's length transaction if all of the following apply:

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that

was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of financing costs and interest expense at the inception of the lease or the imputed interest expense calculated at the inception of the lease using seventy per cent of the lessor's historical capital asset cost basis.

(4) Subject to division (A) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that was not initially operated under a lease and has been in existence for ten years, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the entire historical capital asset cost basis of one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of

labor statistics, during the time the lessor held each asset until the beginning of the lease.

(5) Subject to division (A) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the old lease shall be adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to division (A) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (F)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be, for purposes of calculating the annual amount under division (F)(2), (3), (4), or (6) of this section, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

In the case of a lease under division (F)(3) of this section of a facility for which a substantial commitment of money was made after December 22, 1992, and before July 1, 1993, the old lease payment shall be adjusted for the purpose of determining the annual amount.

(7) For any revision of a lease described in division (F)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable capital costs attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (F)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party or previously operated the facility, the related party's or previous operator's actual, allowable capital costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (F)(1) to (7) of this section, if all of the following conditions are met:

- (a) The related party is a relative of owner;
 - (b) If the lessor retains an ownership interest, it is, except as provided in division (F)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;
 - (c) The department determines that the lease is an arm's length transaction pursuant to rules adopted under section 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:
 - (i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (F)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.
 - (ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.
 - (iii) The lease satisfies any other criteria specified in the rules.
 - (d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs were determined most recently under division (F)(9) of this section.
- (10) This division does not apply to leases of specific items of equipment.

Sec. 5165.191. Each calendar quarter, each nursing facility provider shall compile complete assessment data for each resident of each of the provider's nursing facilities, regardless of payment source, who is in the nursing facility, or on hospital or therapeutic leave from the nursing facility, on the last day of the quarter. A resident assessment instrument specified in rules authorized by this section shall be used to compile the resident assessment data. Each provider shall submit the resident assessment data to the department of health and, if required by the rules, the department of medicaid. The resident assessment data shall be submitted not later than fifteen days after the end of the calendar quarter for which the data is compiled. If the resident assessment data is to be submitted to the department of medicaid, it shall be submitted to the department through the medium or media specified in the rules.

Rules adopted under section 5165.02 of the Revised Code shall do all of the following:

(A) In a manner consistent with the "Social Security Act," section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident assessment instrument to be used by nursing facility providers under this section;

(B) Specify whether nursing facility providers must submit the resident assessment data to the department of medicaid;

(C) Specify any resident assessment data that is excluded from the case mix calculation made under section 5165.192 of the Revised Code;

(D) If the rules specify that nursing facility providers must submit the resident assessment data to the department, specify the medium or media through which the data is to be submitted.

Sec. 5165.26. (A) As used in this section:

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A) ~~and~~, (B), and (C) of section 5165.15 of the Revised Code.

(2) "CMS" means the United States centers for medicare and medicaid services.

(3) "Force majeure event" means an uncontrollable force or natural disaster not within the power of a nursing facility's operator.

(4) "Long-stay resident" ~~has the same meaning as in section 5165.25 of the Revised Code~~ means an individual who has resided in a nursing facility for at least one hundred one days.

(5) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero.

(6) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(7) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10).

(8) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(9) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(10) "Table C" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program.

(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 2023, and

subject to divisions (D), (E), and (F), ~~and except as provided in division (G)~~ of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows:

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities.

(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined.

(3) ~~For state fiscal year 2021, determine~~ Determine the sum of the total number of medicaid days for all of the calendar year ~~2019~~ preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined.

(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section.

(5) Determine the value per quality point by determining the quotient of the following:

(a) ~~For state fiscal year 2021, the~~ The sum determined under division (F)(2) of this section.

(b) The product determined under division (B)(4) of this section.

(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.

(C)(1) Except as provided in ~~divisions~~ division (C)(2) ~~and (3)~~ of this section, a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023 shall be the sum of the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics based on the most recent four-quarter average data available in the database maintained by ~~the United States centers for medicare and medicaid services~~ CMS and known as nursing home compare in ~~May~~ the most recent month of ~~2020~~ the calendar year during which the fiscal year for which the rate is determined begins:

(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

(2) In determining a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section:

(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero.

(c) If the nursing facility's total number of points for state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in division (C)(1) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, reduce the nursing facility's points to zero for that fiscal year.

(3) A nursing facility's quality score shall be zero for state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.

(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.

(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:

(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;

(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;

(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;

(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:

(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.

(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are

located.

(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:

(a) Determine the product of the following:

(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) Three hundred sixty-five.

(b) Determine the quotient of the following:

(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;

(ii) The product determined under division (D)(3)(a) of this section.

(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.

(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.

(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures.

(E) A nursing facility shall not receive a quality incentive payment for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if ~~either of the following apply:~~

~~(1) The nursing facility's initial total per medicaid day payment rate for calendar year 2019 or state fiscal year 2021 is determined pursuant to section 5165.151 of the Revised Code.~~

~~(2) The nursing facility undergoes a change of operator during calendar year 2019 or state fiscal year 2021~~ the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, table B, or table C on the first day of May of the calendar year for which the rate is being determined.

(F) The total amount to be spent on quality incentive payments under division (B) of this section for each fiscal year during state fiscal year 2021 years 2022 and 2023 shall be determined as follows:

(1) Determine the following amount for each nursing facility, including

those that do not receive a quality incentive payment because of division (D) of this section:

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents;

(b) Multiply the amount determined under division (F)(1)(a) of this section by the number of the nursing facility's medicaid days for the calendar year 2019 preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (F)(1)(b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (F)(2) of this section, add twenty-five million dollars for fiscal year 2022 and one hundred twenty-five million dollars for fiscal year 2023.

(G) A new nursing facility or a nursing facility that undergoes a change of operator during fiscal year 2022 or fiscal year 2023 shall not receive a quality incentive payment for the fiscal year in which the new facility obtains an initial provider agreement or the change of operator occurred, whichever is applicable. For the immediately following state fiscal year, the quality incentive payment shall be determined under division (C) of this section.

(H) Divisions (C)(3) and (D) of this section are suspended beginning July 1, 2021, and ending June 30, 2023.

Sec. 5165.261. (A) There is hereby established the nursing facility payment commission. The commission shall consist of the following members:

(1) Four members appointed by the speaker of the house of representatives, three from the majority party and one from the minority party;

(2) Four members appointed by the president of the senate, three from the majority party and one from the minority party.

(B) Appointments to the commission shall be made not later than December 31, 2021. In the event of a vacancy, a replacement member shall be appointed in the same manner as initial appointments. Members shall serve without compensation.

At the initial meeting, commission members shall elect one member from the majority party of the house of representatives and one member from the majority party of the senate to serve as joint co-chairpersons of the commission.

(C) The commission shall analyze the efficacy of all of the following:

(1) The current quality incentive payment formula under section 5165.26 of the Revised Code for efficacy;

(2) The nursing facility base rate calculation, as defined under section 5165.26 of the Revised Code;

(3) The nursing facility cost centers, which are redetermined as part of the rebasing process under section 5165.36 of the Revised Code;

(4) Establishing a bed buyback program under which a nursing facility operator can permanently surrender one or more long-term care beds due to a decrease in bed utilization.

(D) Not later than August 31, 2022, the commission shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, with its recommendations and determinations on the items listed under division (C) of this section.

Sec. 5165.36. (A) The department of medicaid shall conduct a rebasing at least once every five state fiscal years. ~~When~~ Except as provided in division (B) of this section, when the department conducts a rebasing for a state fiscal year, it shall conduct the rebasing for each only the direct care, ancillary and support, and tax cost center centers. A nursing facility provider shall spend money received from the rebasing conducted in state fiscal year 2022 on the direct care, ancillary and support, and tax cost centers only.

(B) A nursing facility provider shall spend seventy per cent of any additional dollars received by the provider as a result of a rebasing on direct care costs, including employee salaries. The department may recover any amounts that are not spent in accordance with this requirement. This requirement applies to the department's rebasing in fiscal year 2022 and all subsequent rebasings. The director shall adopt rules authorized under section 5165.02 of the Revised Code as necessary to implement this division, including to ensure that nursing facility operators spend at least seventy per cent of the additional dollars resulting from a rebasing on direct care costs.

Sec. 5165.771. (A) As used in this section:

(1) "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program.

(2) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10).

(3) "Table A" means the table included in the SFF list that identifies nursing facilities that are newly added to the SFF list.

(4) "Table B" means the table included in the SFF list that identifies nursing facilities that have not improved.

(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.

(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from the special focus facility program.

(B) The department of medicaid shall issue an order terminating a nursing facility's participation in the medicaid program if any of the following apply:

(1) The nursing facility is ~~listed~~ placed in table A or table B ~~on the effective date of this section~~ and fails to be placed in table C not later than twelve months after ~~the effective date of this section~~ the facility is placed in table A or table B.

(2) The nursing facility is ~~listed~~ placed in table A, table B, or table C ~~on the effective date of this section~~ and fails to be placed in table D not later than twenty-four months after ~~the effective date of this section~~ the facility is placed in table A, table B, or table C.

(3) The nursing facility is placed in table A ~~after the effective date of this section~~ and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A.

(4) The nursing facility is placed in table A ~~after the effective date of this section~~ and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A.

(C) ~~An order issued under this section is not subject to appeal~~ A nursing facility may appeal, under Chapter 119. of the Revised Code, the length of time the facility is listed in a table as described under division (B) of this section. The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to provide for an appeal under this division. Notwithstanding the timeframes listed in section 119.07 of the Revised Code, the rules may provide for an expedited appeal under this division.

(D) ~~To~~ A nursing facility shall take all steps necessary to improve its quality of care to avoid having its participation in the medicaid program terminated pursuant to division (B) of this section. Technical assistance and quality improvement initiatives to help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section, the department of aging shall provide the nursing facility technical assistance are available through the nursing home quality initiative established under section 173.60 of the Revised Code at least four months before the department of medicaid would be required to terminate the

nursing facility's participation or initiatives offered through a quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3.

Sec. 5166.01. As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" has the same meaning as in section 5167.01 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.

"Level of care determination" means a determination of whether an

individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.

"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.

"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of

the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

Sec. 5167.10. (A) The department of medicaid may enter into contracts with managed care organizations under which the organizations are authorized to provide, or arrange for the provision of, health care services to medicaid recipients who are required or permitted to participate in the care management system.

(B) To the extent permitted under federal law, regulations, and guidelines, beginning on and after the effective date of the amendments to this section, the department shall include contracts with organizations under division (A) of this section that meet the following requirements:

(a) Are domiciled in this state, including their parent entities;

(b) Are currently participating in the care management system as medicaid managed care organizations;

(c) Have a proven history of providing quality services and customer satisfaction, as reported by the department of medicaid's medicaid managed care plans report card and NCQA medicaid health insurance plan ratings.

(2) Division (B)(1) of this section does not apply to a behavioral health managed care plan selected to assist the state to implement the Ohio resilience through integrated systems and excellence (OhioRISE) program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs.

(C) The organizations included under division (B) of this section shall participate, at minimum, in the regions of this state where they are providing services as of the effective date of this amendment.

(D) The department shall establish an appeals process under which managed care organization applicants may appeal the department's award of managed care organization contracts under division (A) of this section. The appeal process shall permit a managed care organization applicant to appeal an adverse decision by the department regarding the organization's application up to thirty days after the date of the decision.

Sec. 5167.16. (A) As used in this section:

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code.

(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b).

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for

such recipient to receive, both of the following types of services:

(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit;

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of ~~an infant or toddler~~ a child under ~~three~~ five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) ~~"Franchise~~ Unless modified under division (C)(2) of section 5168.61 of the Revised Code, "franchise permit fee rate" means the following:

(1) For fiscal year 2020, twenty-three dollars and ninety-five cents;

(2) For fiscal year 2021 and each fiscal year thereafter, twenty-four dollars and eighty-nine cents.

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.

(C) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.

(D) Except as provided in division (B) of section 5168.62 of the Revised Code, "inpatient days" has the same meaning as in section 5124.01 of the

Revised Code.

(E) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

(F) "Provider agreement" has the same meaning as in section 5124.01 of the Revised Code.

Sec. 5168.61. The department of developmental disabilities shall do all of the following:

(A) Subject to section 5168.64 of the Revised Code and divisions (B) and (C) of this section and for the purposes specified in section 5168.69 of the Revised Code, quarterly assess each ICF/IID a franchise permit fee equal to the product of the following:

(1) The franchise permit fee rate;

(2) The number of the ICF/IID's inpatient days for the quarter as determined using the monthly reports submitted to the department under section 5168.62 of the Revised Code.

(B) If the total amount of the franchise permit fee assessed under division (A) of this section for a fiscal year exceeds the indirect guarantee percentage of the actual net patient revenue for all ICFs/IID for that fiscal year and seventy-five per cent or more of the total number of ICFs/IID receive enhanced medicaid payments or other state payments equal to seventy-five per cent or more of their total franchise permit fee assessments, do both of the following:

(1) Recalculate the assessments under division (A) of this section using a per inpatient day rate equal to the indirect guarantee percentage of actual net patient revenue for all ICFs/IID for that fiscal year;

(2) Refund the difference between the total amount of the franchise permit fee assessed for that fiscal year under division (A) of this section and the amount recalculated under division (B)(1) of this section as a credit against the assessments imposed under division (A) of this section for the quarters of the subsequent fiscal year.

(C)~~(1)~~ If the United States secretary of health and human services determines that the franchise permit fee established by sections 5168.60 to 5168.71 of the Revised Code would be an impermissible health care-related tax under section 1903(w) of the "Social Security Act," 42 U.S.C. 1396b(w), take all necessary actions to cease implementation of those sections in accordance with rules adopted under section 5168.71 of the Revised Code.

(2) If the United States secretary of health and human services adjusts the indirect guarantee percentage at any time during the fiscal year, adjust the franchise permit fee rate and associated ICF/IID invoices so as not to exceed the indirect guarantee percentage.

Sec. 5168.90. (A) At least quarterly, the medicaid director shall report to the members of the joint medicaid oversight committee and the executive director of the joint medicaid oversight committee both of the following:

(1) The fee rates and the aggregate total of the fees assessed for each of the following:

(a) The hospital assessment established under section 5168.21 of the Revised Code;

(b) The nursing home and hospital long-term care unit franchise permit fee under section 5168.41 of the Revised Code;

(c) The ICF/IID franchise permit fee under section 5168.61 of the Revised Code;

(d) The health insuring corporation franchise fee under section 5168.76 of the Revised Code.

(2) If there is a rate increase for any of the fee rates listed under division (A)(1) of this section pending before the centers for medicare and medicaid services.

(B) The director may adopt rules under section 5162.02 of the Revised Code to compile and submit the reports required under this section, including rules, as authorized under section 5162.021 of the Revised Code, that specify the information that must be submitted to the director by the department of developmental disabilities regarding the ICF/IID franchise permit fee.

Sec. 5301.05. (A) Discriminatory restrictive covenants in deeds limiting the transfer or lease of real property to individuals against whom discrimination is prohibited by division (H)(1) of section 4112.02 of the Revised Code are void. If an attorney, in preparing a deed, discovers a discriminatory covenant that is void under this section, the attorney may omit the discriminatory restrictive covenant from the new deed with immunity from civil liability.

(B) Omission of a discriminatory restrictive covenant from a deed pursuant to division (A) of this section does not affect the validity of the deed. No county recorder shall refuse to record a deed pursuant to division (B) of section 317.13 of the Revised Code due to such omission.

Sec. 5301.13. All conveyances of real estate, or any interest therein, sold on behalf of the state, with the exception of those agreements made pursuant to divisions (A), (B), (C), (D), and (E) of section 123.53 of the Revised Code, shall be drafted by the auditor of state director of administrative services, executed in the name of the state, signed by the governor, countersigned by the secretary of state, and sealed with the great seal of the state. The ~~auditor of state~~ director of administrative services

thereupon must record such conveyance in books to be kept by ~~him~~ the director of administrative services for that purpose, deliver them to the persons entitled thereto, and keep a record of such delivery, showing to whom delivered and the date thereof.

Sec. 5301.14. When a title deed, recorded by the ~~auditor of state~~ director of administrative services as required by section 5301.13 of the Revised Code, or recorded in the office of the secretary of state, the record of which is required to be kept in the office of the ~~auditor of state~~ director of administrative services, has been lost or destroyed by accident, without having been recorded in the county recorder's office, on demand and tender of the fees therefor, the ~~auditor of state~~ director of administrative services shall furnish to any person a copy of such deed certified under the ~~auditor of state's~~ director of administrative services' official seal, which copy shall be received everywhere in this state as prima-facie evidence of the existence of the deed, and in all respects shall have the effect of certified copies from the official records of the county where such lands are situated.

Sec. 5301.15. When a deed executed for land purchase from the state is lost or destroyed, or when a person who has an interest in such land, by the use of diligence cannot find it, and no record exists from which a certified copy can be made to supply the evidence of such deed, or when a certificate of the purchase of land sold at a land office of this state, or any other contract, bond, or memorandum evidencing a purchase of land has been lost or destroyed, or when from any cause the owner of such land, by the use of diligence, cannot find such certificate, contract, bond, or memorandum, the governor, when satisfied that the original purchase money for such land has been fully paid, shall execute a deed therefor in the name of the original purchaser which must recite the facts authorizing its making. Such deed shall be recorded in the office of the ~~auditor of state~~ director of administrative services who shall transmit it to the present claimant.

Such deed has the same effect as the original deed, had it been preserved and recorded, or as a deed would have had, made to the original purchaser upon the date of the full payment of the purchase money.

Sec. 5301.18. All deeds executed under sections 5301.15, 5301.16, and 5301.17 of the Revised Code must recite the facts, as ascertained by the governor and attorney general, upon the proof of which they are executed, and shall be recorded in the office of the ~~auditor of state~~ director of administrative services.

Sec. 5301.21. When the owners of adjoining tracts of land, or of lots in a municipal corporation, agree upon the site of a corner or line common to such tracts or lots, in a written instrument containing a pertinent description

thereof, either with or without a plat, executed, acknowledged, and recorded as are deeds, such corner or line thenceforth shall be established as between the parties to such agreement, and all persons subsequently deriving title from them.

Such agreement shall be recorded by the county recorder in the official records. The original agreement, after being so recorded, or a certified copy thereof from the record, is competent evidence in any court in this state against a party thereto, or person in privity with a party.

When a tract of land is owned by the state, the officer or board having administrative control thereof, with the approval of the attorney general, may execute said written instrument and following recording in the county where the land is situated, said instrument shall be filed with the ~~auditor of state~~ director of administrative services with the evidence of title to the land affected.

Sec. 5322.01. As used in sections 5322.01 to 5322.05 of the Revised Code:

(A) "Self-service storage facility" means any real property that is designed and used only for the purpose of renting or leasing individual storage space in the facility under the following conditions:

(1) The occupants have access to the storage space only for the purpose of storing and removing personal property.

(2) The owner does not issue a warehouse receipt, bill of lading, or other document of title, as defined in section 1301.201 of the Revised Code, for the personal property stored in the storage space.

"Self-service storage facility" does not include any garage used principally for parking motor vehicles, any garage or storage area in a private residence, an establishment licensed pursuant to sections 915.14 to 915.24 of the Revised Code, or any property of a bank or savings and loan association that contains vaults, safe deposit boxes, or other receptacles for the uses, purposes, and benefits of the bank's or savings and loan association's customers.

(B) "Owner" means a person that is ~~either~~ the owner or operator of a self-service storage facility ~~or~~ the lessor or sublessor of an entire self-service storage facility ~~and that receives~~ the agent of any of the foregoing, or any other person authorized by any of the foregoing to manage the facility or to receive rent from an occupant pursuant to a rental agreement that the person enters into with the occupant.

(C) "Occupant" means a person that rents storage space at a self-service storage facility pursuant to a rental agreement that the person enters into with the owner.

(D) "Rental agreement" means any written agreement that is entered into by the owner and the occupant and that establishes the terms and conditions of the occupant's use of storage space at a self-service storage facility.

(E) "Personal property" means money and every animate or inanimate tangible thing that is the subject of ownership, except anything forming part of a parcel of real estate, as defined in section 5701.02 of the Revised Code, and except anything that is an agricultural commodity, as defined in division (A) of section 926.01 of the Revised Code.

(F) "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent, or costs associated with the enforcement of any other remedy provided by statute or contract.

(G) "Last known address" means either of the following:

(1) The mailing address or electronic mail address provided by the occupant in the most recent rental agreement or the mailing address or electronic mail address provided by the occupant in a subsequent written notice of a change of address;

(2) The mailing address or electronic mail address of any of the persons described in division (A) of section 5322.03 of the Revised Code that is provided by any of those persons to the owner of a self-service storage facility or that is discovered by the owner of a self-service storage facility.

Sec. 5322.02. (A) The owner of a self-service storage facility has a lien against the occupant on the personal property stored pursuant to a rental agreement in any storage space at the self-service storage facility, or on the proceeds of the personal property subject to the defaulting occupant's rental agreement in the owner's possession, for rent, labor, late fees, or other charges in relation to the personal property that are specified in the rental agreement and that have become due and for expenses necessary for the preservation of the personal property or expenses reasonably incurred in the enforcement of the lien or in the sale or other disposition of the personal property pursuant to law. The owner's lien provided for in this section is also effective against the following persons:

(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or not the security interest in the motor vehicle or watercraft is filed;

(2) A person who meets both of the following requirements:

(a) The person has a legal interest in the personal property, a filed security interest in the personal property, or a valid security interest in the personal property that is a motor vehicle.

(b) The person consents in writing to the storage of the personal property.

(B) The owner's lien created by division (A) of this section attaches as of the date the personal property is brought to the self-service storage facility. An owner loses the owner's lien on any personal property that the owner voluntarily permits to be removed from the self-service storage facility or unjustifiably refuses to permit to be removed from the self-service storage facility.

Sec. 5322.03. An owner's lien created by division (A) of section 5322.02 of the Revised Code for a claim that has become due may be enforced only as follows:

(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:

(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;

(2) All persons holding liens on any motor vehicle or watercraft amongst the property;

(3) All persons who have filed security agreements in the name of the occupant evidencing a security interest in the personal property with either the secretary of state or the county recorder of the county in which the self-service storage facility is located or the Ohio county of the last known address of the occupant.

(B)(1) The notice shall be delivered in person, sent by certified mail, sent by electronic mail, or sent by first-class mail or private delivery service with a certificate or verification of mailing to the last known address of each person who is required to be notified by division (A) of this section;

(2) If the notice is sent by electronic mail, then the notice shall also be sent via either certified or first-class mail to the last known address of each person who is required to be notified by division (A) of this section.

(C) The notice shall include all of the following:

(1) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(2) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(3) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it except that any container including, but not limited to,

a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents and that has not been opened by the owner prior to the date on which the notice is given may be described as such without describing its contents.

(4) A notice of denial of access to the personal property, if a denial of access is permitted under the terms of the rental agreement, which notice provides the name, street address, and telephone number of the person whom the person notified may contact to pay the claim and to either obtain the personal property or enter into a rental agreement for the storage of the personal property;

(5) A demand for payment within a specified time not less than ten days after delivery of the notice;

(6) A conspicuous statement that unless the claim is paid within that time the personal property will be advertised for sale and will be sold by auction ~~at a specified time and place~~ and that, if no person purchases the personal property at the auction, the personal property may be sold at a private sale or destroyed;

(7) The street or internet address of the place at which the sale will be held, if the sale will be held at a place other than the self-service storage facility in which the personal property was stored.

~~(D)(1) Any notice given pursuant to this section shall be presumed delivered, if the notice that~~ is sent by first-class mail or private delivery service with a certificate or verification of mailing; shall be deemed delivered when it is deposited with the United States postal service or private delivery service and properly addressed with proper postage prepaid.

(2) Any notice given pursuant to this section that is sent by electronic mail shall be deemed delivered when it is properly addressed and sent.

(E) The sale of the personal property shall conform to the terms of the notice as provided for in this section.

(F) The sale of the personal property ~~shall~~ may be held at the self-service storage facility or, if the street or internet address of the place was included in the notice as required by division (C)(7) of this section, on the internet or at the nearest suitable place to the self-service storage facility at which the personal property is stored.

(G) After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which the self-service storage facility is located or any other commercially reasonable manner. The manner of advertisement shall be deemed commercially reasonable if at least three independent bidders register for, view, or attend the sale ~~at the~~

~~time and place advertised.~~ The advertisement shall include all of the following:

(1) A brief and general description of the personal property as required by division (C)(3) of this section, except that the description shall describe the contents of any trunk, valise, or box that is locked, fastened, sealed, or tied in a manner that deters immediate access to its contents, if the trunk, valise, or box is opened by the owner prior to the date on which the advertisement of sale is published;

(2) The name and last known address of the occupant who rented the storage space in which the personal property was stored;

(3) The street address of the self-service storage facility;

(4) The time, place, and manner of the sale.

The sale shall take place at least fifteen days after the first publication.

(H)(1) Any person who has a security interest in, or who holds a lien against, a motor vehicle or watercraft may pay the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section. That person, upon payment of the amount necessary to satisfy the lien plus expenses, may enter into a new rental agreement for the storage of the motor vehicle or watercraft. Any person who presents proof of a security interest in or lien on a motor vehicle or watercraft or a court order authorizing the person to take possession of a motor vehicle or watercraft may immediately remove the motor vehicle or watercraft from the self-service storage facility without satisfying the lien or expenses of the owner.

(2) Before any sale of personal property other than a motor vehicle or watercraft pursuant to this section, any person who has a legal interest or a security interest in, or who holds a lien against, any personal property other than a motor vehicle or watercraft may pay the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section and remove the personal property in which the person has the interest or against which the person holds the lien. After removal of all the personal property, including any motor vehicle or watercraft, from the storage space of the self-service storage facility by any means under this section, ~~any person can~~ the owner may enter into a rental agreement for the storage of personal property with the owner with a new occupant for the storage space, and the owner has no obligation to the prior occupant of that storage space ~~in the self-service storage facility. Before entering into a new rental agreement, the owner must have any motor vehicle or watercraft towed from that storage space.~~

(3) Upon receipt of the payment from a person other than the occupant,

the owner ~~shall~~ may, at the owner's sole discretion, enter into a new rental agreement for the storage of the personal property or, if the person meets the conditions set forth in division (H)(2) of this section, shall permit the person to remove the personal property from the self-service storage facility.

(4) If the occupant pays the amount necessary to satisfy the lien created by division (A) of section 5322.02 of the Revised Code and the reasonable expenses incurred under this section, the occupant shall immediately remove all of the occupant's personal property from the self-service storage facility, unless the owner of the self-service storage facility agrees to enter into a new rental agreement for the storage of the property.

(I)(1) If property on which there is a lien under division (A) of section 5322.02 of the Revised Code is not sold at auction, but is claimed under division (H) of this section and the owner's lien is satisfied, then all legal or security interest in, or any other liens held against, the property shall remain intact.

(2) A purchaser at auction in good faith, except an owner or an owner's agent, of the personal property sold to satisfy an owner's lien created by division (A) of section 5322.02 of the Revised Code takes the property free and clear of any rights of persons against whom the lien was valid, or any persons who had an interest in, or who held, any other lien against the property, despite noncompliance by the owner with the requirements of this section.

(J) The owner may examine any personal property to be sold pursuant to this section. The examination may include, but is not limited to, the opening of any trunk, valise, box, or other container that is locked, fastened, sealed, tied, or otherwise closed in a manner that deters immediate access to its contents.

(K)(1) If the property upon which the lien created under division (A) of this section is claimed is a motor vehicle or a watercraft, the owner shall have the motor vehicle or watercraft towed from the premises if any of the following circumstances applies:

(a) The notice was delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle or watercraft, and thirty days have elapsed since the notice was delivered or sent without a response from any of those persons.

(b) Rent and other charges related to the property remain unpaid or unsatisfied by the occupant for sixty days, and no lien holders have been identified.

(c) The owner is planning to hold a sale at auction of the personal property that was stored in the self-service storage unit with that motor

vehicle or watercraft, in which case the motor vehicle or watercraft shall be towed prior to the auction.

(2) The owner shall not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession of the property. The notice delivered or sent pursuant to division (B) of this section to all persons holding a lien on the motor vehicle or watercraft shall include the name of the towing company. The name and the address of the towing company shall also be made available to the occupant or any lien holder upon the presentation of a document of title or another document that confirms an interest in the motor vehicle or watercraft.

(L) The owner may satisfy the owner's lien from the proceeds of any sale held pursuant to this section, but shall mail the balance, if any, by certified mail, or by first class mail or private delivery service with a certificate or verification of mailing, to the occupant at the occupant's last known mailing address. If the balance is returned to the owner after the owner mailed the balance by certified mail, first class mail, or private delivery service to the occupant or if the mailing address of the occupant is not known, the owner shall hold the balance for two years after the date of the sale for delivery on demand to the occupant or to any other person who would have been entitled to possession of the personal property. After the expiration of the two-year period, the balance shall become unclaimed funds, as defined in division (B) of section 169.01 of the Revised Code, and shall be disposed of pursuant to Chapter 169. of the Revised Code.

(M) An owner may buy at any public sale held pursuant to this section.

(N) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against a debtor.

(O)(1) If the owner complies with the requirements for sale under this section, the owner's liability to persons who have an interest in the personal property sold is limited to the balance of the proceeds of the sale after the owner has satisfied the owner's lien.

(2) The owner is liable for damages caused by the failure to comply with the requirements for sale under this section and is liable for conversion for willful violation of the requirements for sale under this section.

(P) If no person purchases the personal property at the auction and if the owner has complied with this section, the owner may do any of the following:

(1) Advertise and sell the personal property pursuant to divisions (F) to (O) of this section;

(2) Sell the personal property at a private sale;

(3) Dispose of the personal property in any manner considered

appropriate by the owner including, but not limited to, destroying the personal property.

Sec. 5501.332. Upon the occurrence of the condition stated in a deed pursuant to division (C) of section 5501.331 of the Revised Code, the director of transportation shall prepare and issue a certification of the occurrence to the grantor or ~~his~~ the grantor's successors or assigns, the governor, and the ~~auditor of state~~ director of administrative services.

Upon receipt of the certification, the ~~auditor of state~~ director of administrative services, with the assistance of the attorney general, shall prepare a deed releasing the property donated under section 5501.33 of the Revised Code to the grantor or ~~his~~ the grantor's successors or assigns. The deed shall declare the occurrence of the condition and the consequent reversion. The deed shall be executed by the governor, countersigned by the secretary of state, recorded in the office of the ~~auditor of state~~ director of administrative services, and delivered to the grantor or ~~his~~ the grantor's successors or assigns.

Sec. 5502.30. (A) The state, any political subdivision, any municipal agency, any emergency management volunteer, another state, or an emergency management agency thereof or of the federal government or of another country or province or subdivision thereof performing emergency management services in this state pursuant to an arrangement, agreement, or compact for mutual aid and assistance, or any agency, member, agent, or representative of any of them, or any individual, partnership, corporation, association, trustee, or receiver, or any of the agents thereof, in good faith carrying out, complying with, or attempting to comply with any state or federal law or any arrangement, agreement, or compact for mutual aid and assistance, or any order issued by federal or state military authorities relating to emergency management, is not liable for any injury to or death of persons or damage to property as the result thereof during training periods, test periods, practice periods, or other emergency management operations, or false alerts, as well as during any hazard, actual or imminent, and subsequent to the same except in cases of willful misconduct. As used in this division, "emergency management volunteer" means only an individual who is authorized to assist any agency performing emergency management during a hazard.

(B) The state, any political subdivision, any individual, partnership, corporation, association, trustee, or receiver, or any agent, agency, representative, officer, or employee of any of them that owns, maintains, occupies, operates, or controls all or part of any building, structure, or premises shall not be liable for any injury or death sustained by any person

or damage caused to any property while that person or property is in the building, structure, or premises for duty, training, or shelter purposes during a hazard, drill, test, or false warning, or is entering therein for such purposes or departing therefrom, or for any injury, death, or property damage as the result of any condition in or on the building, structure, or premises or of any act or omission with respect thereto, except a willful act intended to cause injury or damage.

(C) Any employee of a political subdivision of this state that is rendering aid in another state is considered an officer or employee of the state for purposes of the immunity established under Article VI of the emergency management assistance compact enacted under section 5502.40 of the Revised Code. Nothing in this division entitles an employee of a political subdivision to any other right or benefit of a state employee.

(D) This section does not affect the right of any person to receive benefits to which ~~he~~ the person may be entitled under Chapter 4123. of the Revised Code or any pension law, nor the rights of any person to receive any benefits or compensation under any act of congress or under any law of this state.

Sec. 5540.02. (A) A transportation improvement district may be created by the board of county commissioners of a county. The board, by resolution, shall determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or (2) of this section.

(B) A transportation improvement district is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the financing, construction, maintenance, repair, and operation of a project are and shall be held to be essential governmental functions.

(C)(1) If the board of county commissioners so elects, a transportation improvement district shall be governed by a board of trustees consisting of the following members:

- (a) Two members appointed by the board of county commissioners;
- (b) Three members appointed by the legislative authority of the most populous municipal corporation in the district;
- (c) Two members appointed by the legislative authority of the second most populous municipal corporation in the district;
- (d) Two members appointed by the board of township trustees of the township in the county that is most populous in its unincorporated area;
- (e) The county engineer;
- (f) One member appointed by the legislative authority of any township or municipal corporation that cannot otherwise appoint a member to the

board pursuant to this section, and that is wholly or partially within the area of the transportation improvement district as the district was originally designated by the board of county commissioners;

(g) If the area of a transportation improvement district is expanded by the board of county commissioners, the legislative authority of any township or municipal corporation that is wholly or partially within the area of expansion and that cannot otherwise appoint a member to the board pursuant to this section, with the consent of the board of trustees of the district, may appoint one member to the board;

(h) One member appointed by the regional planning commission for the county, who shall be a nonvoting member of the board;

(i) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives;

(j) One member appointed at the discretion of the president of the senate, who, if appointed, shall be a nonvoting member of the board and who may be a member of the senate.

One of each of the appointments made by the board of county commissioners, the legislative authority of a municipal corporation, and the board of township trustees under divisions (C)(1)(a), (b), (c), and (d) of this section, shall be members of the chamber of commerce for the respective political subdivision.

Whenever the addition of members to the board of trustees of a transportation improvement district pursuant to division (C)(1)(f) or (g) of this section results in an even number of total voting members on the board, the board of trustees of the district may appoint an additional person to its membership to maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in division (C)(1) of this section, a board of county commissioners, by resolution, may elect that the transportation improvement district it creates be governed by a board of trustees consisting of ~~five~~ the following members:

(a) Five members appointed by the board of county commissioners;

(b) One member appointed at the discretion of the speaker of the house of representatives, who, if appointed, shall be a nonvoting member of the board and who may be a member of the house of representatives;

(c) One member appointed at the discretion of the president of the senate, who, if appointed, shall be a nonvoting member of the board and who may be a member of the senate.

(D) Each appointed member of the board shall hold office for a term of two years but subject to removal at the pleasure of the authority that

appointed the member. Members may be reappointed. Except as otherwise provided in this division, any vacancy on the board shall be filled in the same manner as the original appointment. Any vacancy on a board appointed under division (C)(1) of this section lasting longer than thirty days due to the failure of the legislative authority of a municipal corporation or a board of township trustees to make an appointment shall be filled by the board of trustees of the transportation improvement district.

(E) The voting members of the board shall elect from the entire board membership a chairperson, vice-chairperson, and secretary-treasurer. A majority of the voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all duties of the district.

(F) The board of county commissioners of the county, the legislative authority of any municipal corporation, and the board of township trustees of any township that is part of the district, may make appropriations from moneys available to them and not otherwise appropriated, to pay costs incurred by the district in the exercise of its functions under this chapter.

(G) An organizational meeting of the board of trustees of a transportation improvement district created under this section shall be held at the time and place designated by the board member who has served the most years as a member of the board of county commissioners that created the transportation improvement district.

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by S.B. 18 of the 134th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII or section 3123.90, 3770.073, or 3772.37 of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after March 27, 2020, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of the Internal Revenue Code or other laws of the

United States that are in effect for federal income tax purposes for that taxable year if those provisions differ from the provisions that, under division (A) of this section, would otherwise apply. The filing by the taxpayer for that taxable year of a report or return that incorporates the provisions of the Internal Revenue Code or other laws of the United States applicable for federal income tax purposes for that taxable year, and that does not include any adjustments to reverse the effects of any differences between those provisions and the provisions that would otherwise apply, constitutes the making of an irrevocable election under this division for that taxable year.

(2) Elections under prior versions of division (B)(1) of this section remain in effect for the taxable years to which they apply.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation, except in the agent's report to the department or when called on to testify in any court or proceeding, shall divulge any information acquired by the agent as to the transactions, property, or business of any person while acting or claiming to act under orders of the department. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the department.

(B)(1) For purposes of an audit pursuant to section 117.15 of the Revised Code, or an audit of the department pursuant to Chapter 117. of the Revised Code, or an audit, pursuant to that chapter, the objective of which is to express an opinion on a financial report or statement prepared or issued pursuant to division (A)(7) or (9) of section 126.21 of the Revised Code, the officers and employees of the auditor of state charged with conducting the audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal audit in the office of budget and management charged with directing the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent

that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. Whoever violates this provision shall thereafter be disqualified from acting as an officer or employee or in any other capacity under appointment or employment of the office of internal audit.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use

tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;

(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;

(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.

(16) Disclosing to the department of development ~~services agency~~ information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the department of development ~~services agency~~ for the purpose of evaluating potential tax credits, tax deductions,

grants, or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No officer, employee, or agent of the department of development services~~agency~~ shall disclose any information provided to the department of development services~~agency~~ by the department of taxation under division (C)(16) of this section except when disclosure of the information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential tax credits, tax deductions, grants, or loans.

(17) Disclosing to the department of insurance information in the possession of the department of taxation that is necessary to ensure a taxpayer's compliance with the requirements with any tax credit administered by the department of development services~~agency~~ and claimed by the taxpayer against any tax administered by the superintendent of insurance. No officer, employee, or agent of the department of insurance shall disclose any information provided to the department of insurance by the department of taxation under division (C)(17) of this section.

(18) Disclosing to the division of liquor control information in the possession of the department of taxation that is necessary for the division and department to comply with the requirements of sections 4303.26 and 4303.271 of the Revised Code.

(19) Disclosing to the department of education, upon that department's request, information in the possession of the department of taxation that is necessary only to verify whether the family income of a student applying for or receiving a scholarship under the educational choice scholarship pilot program is equal to, less than, or greater than the income thresholds prescribed by section ~~3310.02~~ or 3310.032 of the Revised Code. The department of education shall provide sufficient information about the student and the student's family to enable the department of taxation to make the verification.

(20) Disclosing to the Ohio rail development commission information in the possession of the department of taxation that is necessary to ensure compliance with the laws of this state governing taxation and to verify information reported to the commission for the purpose of evaluating potential grants or loans. Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. No member, officer, employee, or agent of the Ohio rail development commission shall disclose any information provided to the commission by the department of taxation under division (C)(20) of this section except when disclosure of the

information is necessary for, and made solely for the purpose of facilitating, the evaluation of potential grants or loans.

(21) Disclosing to the state racing commission information in the possession of the department of taxation that is necessary for verification of compliance with and for enforcement and administration of the taxes levied by Chapter 3769. of the Revised Code. Such information shall include information that is necessary for the state racing commission to verify compliance with Chapter 3769. of the Revised Code for the purposes of issuance, denial, suspension, or revocation of a permit pursuant to section 3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.

Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the

commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

(3) If the applicant requests a hearing and provides additional information within the time prescribed by division (A) of this section, the commissioner may review the information and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

(4) The commissioner shall serve a copy of the final determination made under division (C)(1) ~~or~~, (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5705.16. A resolution of the taxing authority of any political subdivision shall be passed by a majority of all the members thereof, declaring the necessity for the transfer of funds authorized by section 5705.15 of the Revised Code, and such taxing authority shall submit to the tax commissioner a petition that includes the name and amount of the fund, the fund to which it is desired to be transferred, a copy of such resolution with a full statement of the proceedings pertaining to its passage, and the reason or necessity for the transfer. The commissioner shall approve the transfer of such funds upon determining each of the following:

- (A) The petition states sufficient facts;
- (B) That there are good reasons, or that a necessity exists, for the

transfer;

(C) No injury will result from the transfer of such funds.

If the petition is disapproved by the commissioner, it shall be returned within ~~ten~~ thirty days of its receipt to the officers who submitted it, with a memorandum of the commissioner's objections, and the taxing authority shall not transfer the funds as requested by the petition. This disapproval shall not prejudice a later application for approval. If the petition is approved by the commissioner, it shall be returned within ~~ten~~ thirty days of its receipt to the officers who submitted it, and the taxing authority may transfer the funds as requested by the petition.

Sec. 5705.19. This section does not apply to school districts, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.65 and 2152.41 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or

townships;

(H) For parks and recreational purposes;

(I) For providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs;

(J) For providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs;

(K) For the maintenance and operation of a county home or detention facility;

(L) For community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that such levies shall be subject to the procedures and requirements of section 5705.222 of the Revised Code;

(M) For regional planning;

(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;

(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;

(P) For maintaining and operating sewage disposal plants and facilities;

(Q) For the purpose of purchasing, acquiring, constructing, enlarging,

improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;

(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;

(S) For the prevention, control, and abatement of air pollution;

(T) For maintaining and operating cemeteries;

(U) For providing ambulance service, emergency medical service, or both;

(V) For providing for the collection and disposal of garbage or refuse, including yard waste;

(W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;

(X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;

(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code;

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code;

(AA) For the maintenance and operation of a free public museum of art, science, or history;

(BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code;

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation.

(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code;

(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64

of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses;

(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing field, or other air navigation facility pursuant to section 505.15 of the Revised Code;

(GG) For the payment of costs incurred by a township as a result of a contract made with a county pursuant to section 505.263 of the Revised Code in order to pay all or any part of the cost of constructing, maintaining, repairing, or operating a water supply improvement;

(HH) For a board of township trustees to acquire, other than by appropriation, an ownership interest in land, water, or wetlands, or to restore or maintain land, water, or wetlands in which the board has an ownership interest, not for purposes of recreation, but for the purposes of protecting and preserving the natural, scenic, open, or wooded condition of the land, water, or wetlands against modification or encroachment resulting from occupation, development, or other use, which may be styled as protecting or preserving "greenspace" in the resolution, notice of election, or ballot form. Except as otherwise provided in this division, land is not acquired for purposes of recreation, even if the land is used for recreational purposes, so long as no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. Except as otherwise provided in this division, land that previously has been acquired in a township for these greenspace purposes may subsequently be used for recreational purposes if the board of township trustees adopts a resolution approving that use and no building, structure, or fixture used for recreational purposes is permanently attached or affixed to the land. The authorization to use greenspace land for recreational use does not apply to land located in a township that had a population, at the time it passed its first greenspace levy, of more than thirty-eight thousand within a county that had a population, at that time, of at least eight hundred sixty thousand.

(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;

(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a municipal corporation or a township.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.

(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.

(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.

(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.

(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;

(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 940. of the Revised Code;

(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county.

(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of

persons within, from, or to the municipal corporation;

(YY) For any combination of the purposes specified in divisions (NN), (VV), and (WW) of this section. This division applies only to a county.

(ZZ) For any combination of the following purposes: the acquisition, construction, improvement, or maintenance of buildings, equipment, and supplies for police, firefighting, or emergency medical services; the construction, reconstruction, resurfacing, or repair of streets, roads, and bridges; or for general infrastructure projects. This division applies only to a township or municipal corporation.

(AAA) For any combination of the purposes specified in divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this section, for the acquisition, construction or maintenance of county facilities, or for the acquisition of or improvements to land. This division applies only to a county.

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt charges, the increased rate shall be for the life of the indebtedness.

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or under both of those sections.

(3) When the additional rate is for either of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), (JJ), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district.

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the increase is for the purpose set forth in division (ZZ) or (AAA) of this section, the tax levy may be for any number of years not exceeding ten.

A levy for one of the purposes set forth in division (G), (I), (J), ~~(U)~~, or (JJ) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), ~~(U)~~, or (JJ) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount.

A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment.

Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

A resolution adopted by the legislative authority of a municipal corporation that is for the purpose in division (XX) of this section may be combined with the purpose provided in section 306.55 of the Revised Code, by vote of two-thirds of all members of the legislative authority. The legislative authority may certify the resolution to the board of elections as a

combined question. The question appearing on the ballot shall be as provided in section 5705.252 of the Revised Code.

A levy for the purpose set forth in division (BB) of this section may be imposed in all or a portion of the territory of a subdivision. If the 9-1-1 system to be established and operated with levy funds excludes territory located within the subdivision, the resolution adopted under this section, or a resolution proposing to renew such a levy that was imposed in all of the territory of the subdivision, may describe the area served or to be served by the system and specify that the proposed tax would be imposed only in the areas receiving or to receive the service. Upon passage of such a resolution, the board of elections shall submit the question of the tax levy only to those electors residing in the area or areas in which the tax would be imposed. If the 9-1-1 system would serve the entire subdivision, the resolution shall not exclude territory from the tax levy.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

When the electors of a subdivision or, in the case of a qualifying library levy for the support of a library association or private corporation, the electors of the association library district or, in the case of a 9-1-1 system levy serving only a portion of the territory of a subdivision, the electors of the portion of the subdivision in which the levy would be imposed have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

Sec. 5709.121. (A) Real property and tangible personal property belonging to a charitable or educational institution or to the state or a political subdivision, shall be considered as used exclusively for charitable or public purposes by such institution, the state, or political subdivision, if it meets one of the following requirements:

(1) It is used by such institution, the state, or political subdivision, or by one or more other such institutions, the state, or political subdivisions under a lease, sublease, or other contractual arrangement:

(a) As a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein;

(b) As a children's, science, history, or natural history museum that is open to the general public;

(c) For other charitable, educational, or public purposes.

(2) It is made available under the direction or control of such institution, the state, or political subdivision for use in furtherance of or incidental to its charitable, educational, or public purposes and not with the view to profit.

(3) It is used by an organization described in division (D) of section 5709.12 of the Revised Code. If the organization is a corporation that receives a grant under the Thomas Alva Edison grant program authorized by division (C) of section 122.33 of the Revised Code at any time during the tax year, "used," for the purposes of this division, includes holding property for lease or resale to others.

(B)(1) Property described in division (A)(1)(a) or (b) of this section shall continue to be considered as used exclusively for charitable or public purposes even if the property is conveyed through one conveyance or a series of conveyances to an entity that is not a charitable or educational institution and is not the state or a political subdivision, provided that all of the following conditions apply with respect to that property:

(a) The property was listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the tax year immediately preceding the year in which the property is conveyed through one conveyance or a series of conveyances;

(b) The property is conveyed through one conveyance or a series of conveyances to an entity that does any of the following:

(i) Leases at least forty-five per cent of the property, through one lease or a series of leases, to the entity that owned or occupied the property for the tax year immediately preceding the year in which the property is conveyed or to an affiliate of that entity;

(ii) Contracts, directly or indirectly to have renovations performed as described in division (B)(1)(d) of this section and is at least partially owned by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of that code.

(c) The property includes improvements that are at least fifty years old;

(d) The property is being renovated in connection with a claim for historic preservation tax credits available under federal law;

(e) All or a portion of the property continues to be used for the purposes described in division (A)(1)(a) or (b) of this section after its conveyance; and

(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure.

(2) Notwithstanding section 5715.27 of the Revised Code, an

application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or an occupant.

(C) For purposes of this section, an institution that meets all of the following requirements is conclusively presumed to be a charitable institution:

(1) The institution is a nonprofit corporation or association, no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(2) The institution is exempt from federal income taxation under section 501(a) of the Internal Revenue Code;

(3) The majority of the institution's board of directors are appointed by the mayor or legislative authority of a municipal corporation or a board of county commissioners, or a combination thereof;

(4) The primary purpose of the institution is to assist in the development and revitalization of downtown urban areas.

(D) For purposes of division (A)(1)(b) of this section, the status of a museum as open to the general public shall be conclusive if the museum is accredited by the American alliance of museums or a successor organization.

(E)(1) Qualifying real property owned by an institution that meets ~~all of~~ the following requirements shall be considered as used exclusively for charitable purposes, and the institution shall be considered a charitable institution for purposes of this section and section 5709.12 of the Revised Code:

(a) The institution is an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code.

(b) The institution's primary purpose is to acquire, develop, lease, or otherwise provide suitable housing to individuals with developmental disabilities.

(c) ~~The~~ Unless otherwise provided by division (E)(3) of this section, the institution receives at least a portion of its funding from one or more county boards of developmental disabilities to assist in the institution's primary purpose described in division (E)(1)(b) of this section.

(2) As used in division (E) of this section, "qualifying real property" means real property that is used primarily in one of the following manners:

(a) The property is used by the institution described in division (E)(1) of this section for the purpose described in division (E)(1)(b) of this section.

(b) The property is leased or otherwise provided by the institution

described in division (E)(1) of this section to individuals with developmental disabilities and used by those individuals as housing.

(c) The property is leased or otherwise provided by the institution described in division (E)(1) of this section to another charitable institution, and that charitable institution uses the property exclusively for charitable purposes.

(3) The requirement prescribed by division (E)(1)(c) of this section shall be considered to be met if: (a) the institution contracts with an entity that receives at least a portion of its funding from one or more county boards of developmental disabilities; (b) the contracted entity performs services for individuals who lease the property for use as housing; and (c) those services assist in the institution's primary purpose described in division (E)(1)(b) of this section.

If the property owner qualifies as a charitable institution under the alternative requirements prescribed by division (E)(3) of this section, only the portion of the property that, as of the first day of January of the tax year, is either leased for use as housing by residents who are eligible to receive home and community-based services, as that term is defined in section 5123.01 of the Revised Code, or is a common area used by all residents of the property is qualifying real property and only those portions qualify for exemption from taxation.

(F)(1) Qualifying real property owned by an institution that meets all of the following requirements shall be considered as used exclusively for charitable purposes, and the institution shall be considered a charitable institution for purposes of this section and section 5709.12 of the Revised Code:

(a) The institution is either (i) an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code that has as a primary purpose to acquire, develop, lease, or otherwise provide suitable supportive housing to individuals diagnosed with mental illness or substance use disorder and to families residing with such individuals or (ii) a limited liability company or limited partnership whose controlling or managing member or partner either is an organization described in division (F)(1)(a)(i) of this section or is wholly owned by one or more such organizations.

(b) One or more of the tax-exempt organizations identified in division (F)(1)(a) of this section receives at least a portion of its funding to assist in the organization's primary purpose described in division (F)(1)(a)(i) of this section from the department of mental health and addiction services; one or more county boards of alcohol, drug addiction, and mental health services;

or a local continuum of care program governed by 42 U.S.C. 11381, et seq. and 24 C.F.R. part 578.

(2) As used in division (F) of this section, "qualifying real property" means real property that is used primarily in one of the following manners:

(a) The property is used by the institution described in division (F)(1) of this section for the purpose described in division (F)(1)(a)(i) of this section.

(b) The institution (i) leases or otherwise provides the property to individuals diagnosed with mental illness or substance use disorder and to the families residing with such individuals and (ii) makes supportive services available to such individuals and families.

(c) The property is leased or otherwise provided by that institution to another charitable institution, and that charitable institution uses the property exclusively for charitable purposes.

(G)(1) For tax years 2020 to 2024, a qualifying parking garage shall be considered as used exclusively for charitable purposes for the purpose of section 5709.12 of the Revised Code if all taxes, interest, and penalties levied and assessed against any property owned by the owner and operator of the qualifying parking garage, as described in division (G)(2)(b)(i) or (ii) of this section, have been paid in full for all of the tax years preceding the tax year for which the application for exemption is filed.

(2) As used in division (G) of this section:

(a) "Nonprofit arts institution" means an institution that is exempt from federal income taxation under section 501(a) of the Internal Revenue Code and whose primary purpose is to host or present performances in music, dramatics, the arts, and related fields in order to foster public interest and education therein.

(b) "Qualifying parking garage" means any real property that is used primarily for parking motor vehicles within or on a structure and that is either (i) owned and operated by a nonprofit arts institution or (ii) owned and operated by a limited liability company whose sole member is a nonprofit arts institution.

Sec. 5709.17. The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations or monumental building associations and that, in the opinion of the trustees, directors, or managers thereof, is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a qualifying veterans' organization and used primarily for meetings and administration of the qualifying veterans' organization or for providing, on a

not-for-profit basis, programs and supportive services to past or present members of the armed forces of the United States and their families, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to a qualifying veterans' organization.

As used in this division, "qualifying veterans' organization" means an organization that is incorporated under the laws of this state or the United States and that meets either of the following requirements:

(1) The organization qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the Internal Revenue Code.

(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to any fraternal organization for use primarily for meetings of and the administration of such fraternal organization or for providing, on a not-for-profit basis, educational or health services. As used in this division, "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides financial support for charitable

purposes, as defined in division (B)(12) of section 5739.02 of the Revised Code; and that operates under either a state or national governing body that has been operating in this state for at least eighty-five years.

Sec. 5709.40. (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for residential purposes.

(4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C. 5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as designated by the director of development ~~services~~ under division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political subdivision, the public infrastructure serving the district is inadequate to meet the development needs of the district as evidenced by a written economic development plan

or urban renewal plan for the district that has been adopted by the legislative authority of the subdivision.

(g) The district is comprised entirely of unimproved land that is located in a distressed area as defined in section 122.23 of the Revised Code.

(6) "Overlay" means an area of not more than three hundred acres that is a square, or that is a rectangle having two longer sides that are not more than twice the length of the two shorter sides, that the legislative authority of a municipal corporation delineates on a map of a proposed incentive district.

(7) "Project" means development activities undertaken on one or more parcels, including, but not limited to, construction, expansion, and alteration of buildings or structures, demolition, remediation, and site development, and any building or structure that results from those activities.

(8) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; the continued maintenance of those public roads and highways and water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; ~~and~~ the enhancement of public waterways through improvements that allow for greater public access; and off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except as otherwise provided under division (D) of this section or section 5709.51 of

the Revised Code, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the improvement to be exempted from taxation and the life of the exemption.

An ordinance adopted or amended under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the municipal corporation that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. The service payments provided for in section 5709.42 of the Revised Code shall be used to finance the public infrastructure improvements designated in the ordinance, for the purpose described in division (D)(1) of this section or as provided in section 5709.43 of the Revised Code.

(C)(1) The legislative authority of a municipal corporation may adopt an ordinance creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section, but no legislative authority of a municipal corporation that has a population that exceeds twenty-five thousand, as shown by the most recent federal decennial census, shall adopt an ordinance that creates an incentive district if the sum of the taxable value of real property in the proposed district for the preceding tax year and the taxable value of all real property in the municipal corporation that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the municipal corporation for the preceding tax year. The ordinance shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. An ordinance may create more than one such district, and more than one ordinance may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to

the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (B) of this section pursuant to an ordinance adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) An ordinance adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the

improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements, for the purpose described in division (D)(1), (E), or (F) of this section, or as provided in section 5709.43 of the Revised Code.

An ordinance adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.42 of the Revised Code and received by the municipal corporation under the ordinance shall be used for police or fire equipment.

(b) An ordinance adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The ordinance shall designate the parcels within the district that are eligible for housing renovation. The ordinance shall state separately the amounts or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the general purpose of housing renovations.

(4) Except with the approval of the board of education of each city, local, or exempted village school district within the territory of which the incentive district is or will be located, and subject to division (E) of this section, the life of an incentive district shall not exceed ten years, and the percentage of improvements to be exempted shall not exceed seventy-five per cent. With approval of the board of education, the life of a district may be not more than thirty years, and the percentage of improvements to be exempted may be not more than one hundred per cent. The approval of a board of education shall be obtained in the manner provided in division (D)

of this section.

(D)(1) If the ordinance declaring improvements to a parcel to be a public purpose or creating an incentive district specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village, and joint vocational school district in which the parcel or incentive district is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (D)(2) of this section.

(2) Improvements with respect to a parcel may be exempted from taxation under division (B) of this section, and improvements to parcels within an incentive district may be exempted from taxation under division (C) of this section, for up to ten years or, with the approval under this paragraph of the board of education of the city, local, or exempted village school district within which the parcel or district is located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section declaring improvements to be a public purpose that is subject to approval by a board of education under this division, the legislative authority shall deliver to the board of education a notice stating its intent to adopt an ordinance making that declaration. The notice regarding improvements with respect to a parcel under division (B) of this section shall identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvement that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The notice regarding improvements to parcels within an incentive district under division (C) of this section shall delineate the boundaries of the district, specifically identify each parcel within the district, identify each anticipated improvement in the district, provide an estimate of the true value in money of each such improvement, specify the life of the district and the percentage of improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the

exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation, or other mutually agreeable compensation. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within which the parcel or district is located at the same rate and under the same terms received by the city, local, or exempted village school district.

(3) The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and

the legislative authority.

(4) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of exemptions by the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(5) If the legislative authority is not required by division (D) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(6) Nothing in division (D) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel within an incentive district for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance, identify the parcels for which improvements are to be exempted from taxation, provide an estimate of the true value in money of the improvements, specify the period of time for which the improvements would be exempted from taxation, specify the percentage of the improvements that would be exempted from taxation, and indicate the date on which the legislative authority intends to adopt the ordinance.

(2) The board of county commissioners, by resolution adopted by a

majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both. If the board of county commissioners objects, the board may negotiate a mutually acceptable compensation agreement with the legislative authority. In no case shall the compensation provided to the board exceed the property taxes forgone due to the exemption. If the board of county commissioners objects, and the board and legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance adopted under division (C)(1) of this section shall provide to the board compensation in the eleventh and subsequent years of the exemption period equal in value to not more than fifty per cent of the taxes that would be payable to the county or, if the board's objection includes an objection to an exemption percentage in excess of seventy-five per cent, compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county, on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the legislative authority may adopt the ordinance, and no compensation shall be provided to the board of county commissioners. If the board timely certifies its resolution objecting to the ordinance, the legislative authority may adopt the ordinance at any time after a mutually acceptable compensation agreement is agreed to by the board and the legislative authority, or, if no compensation agreement is negotiated, at any time after the legislative authority agrees in the proposed ordinance to provide compensation to the board of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to an ordinance creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, or a later date as specified in this division, shall be

distributed to the appropriate taxing authority as required under division (C) of section 5709.42 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;

(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;

(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.

(13) A tax levied by a township under section 505.39, division (I) of section 5705.19, or division (JJ) of section 5705.19 of the Revised Code to

the extent the proceeds are used for the purposes described in division (I) of that section, for the purpose of funding fire, emergency medical, and ambulance services as described in that section and those divisions. Division (F)(13) of this section applies only if the township levying the tax provides fire, emergency medical, or ambulance services in the incentive district, and only to incentive districts created by an ordinance adopted on or after the effective date of the amendment of this section by H.B. 69 of the 132nd general assembly, March 23, 2018. The board of township trustees may, by resolution, waive the application of this division or negotiate with the municipal corporation that created the district for a lesser amount of payments in lieu of taxes.

(G) An exemption from taxation granted under this section commences with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. With respect to the exemption of improvements to parcels under division (B) of this section, the ordinance may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel.

Except as otherwise provided in this division or section 5709.51 of the Revised Code, the exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose or the incentive district expires, or ends on the date on which the public infrastructure improvements and housing renovations are paid in full from the municipal public improvement tax increment equivalent fund established under division (A) of section 5709.43 of the Revised Code, whichever occurs first. The exemption of an improvement with respect to a parcel or within an incentive district may end on a later date, as specified in the ordinance, if the legislative authority and the board of education of the city, local, or exempted village school district within which the parcel or district is located have entered into a compensation agreement under section 5709.82 of the Revised Code with respect to the improvement, and the board of education

has approved the term of the exemption under division (D)(2) of this section, but in no case shall the improvement be exempted from taxation for more than thirty years. Exemptions shall be claimed and allowed in the same manner as in the case of other real property exemptions. If an exemption status changes during a year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(H) Additional municipal financing of public infrastructure improvements and housing renovations may be provided by any methods that the municipal corporation may otherwise use for financing such improvements or renovations. If the municipal corporation issues bonds or notes to finance the public infrastructure improvements and housing renovations and pledges money from the municipal public improvement tax increment equivalent fund to pay the interest on and principal of the bonds or notes, the bonds or notes are not subject to Chapter 133. of the Revised Code.

(I) The municipal corporation, not later than fifteen days after the adoption of an ordinance under this section, shall submit to the director of development ~~services~~ a copy of the ordinance. On or before the thirty-first day of March of each year, the municipal corporation shall submit a status report to the director of ~~development services~~. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the funds created under section 5709.43 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a legislative authority from declaring to be a public purpose improvements with respect to more than one parcel.

(K) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5709.41. (A) As used in this section:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.

(2) "Improvement" means the increase in assessed value of any parcel of property subsequent to the acquisition of the parcel by a municipal corporation engaged in urban redevelopment.

(B) The legislative authority of a municipal corporation, by ordinance, may declare to be a public purpose any improvement to a parcel of real property if both of the following apply:

(1) The municipal corporation held fee title to the parcel prior to the adoption of the ordinance;

(2) The parcel is leased, or the fee of the parcel is conveyed, to any person either before or after adoption of the ordinance.

Improvements used or to be used for residential purposes may be declared a public purpose under this section only if the parcel is located in a blighted area of an impacted city as those terms are defined in section 1728.01 of the Revised Code. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code.

(C) Except as otherwise provided in division (C)(1), (2), or (3) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation. The ordinance shall specify the percentage of the improvement to be exempted from taxation. If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(1) If the ordinance declaring improvements to a parcel to be a public purpose specifies that payments in lieu of taxes provided for in section 5709.42 of the Revised Code shall be paid to the city, local, or exempted village school district in which the parcel is located in the amount of the taxes that would have been payable to the school district if the improvements had not been exempted from taxation, the percentage of the improvement that may be exempted from taxation may exceed seventy-five per cent, and the exemption may be granted for up to thirty years, without the approval of the board of education as otherwise required under division (C)(2) of this section.

(2) Improvements may be exempted from taxation for up to ten years or, with the approval of the board of education of the city, local, or exempted village school district within the territory of which the improvements are or

will be located, for up to thirty years. The percentage of the improvement exempted from taxation may, with such approval, exceed seventy-five per cent, but shall not exceed one hundred per cent. Not later than forty-five business days prior to adopting an ordinance under this section, the legislative authority shall deliver to the board of education a notice stating its intent to declare improvements to be a public purpose under this section. The notice shall describe the parcel and the improvements, provide an estimate of the true value in money of the improvements, specify the period for which the improvements would be exempted from taxation and the percentage of the improvements that would be exempted, and indicate the date on which the legislative authority intends to adopt the ordinance. The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance

and may declare the improvements a public purpose for up to thirty years. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority. If a mutually acceptable compensation agreement is negotiated between the legislative authority and the board, including agreements for payments in lieu of taxes under section 5709.42 of the Revised Code, the legislative authority shall compensate the joint vocational school district within the territory of which the improvements are or will be located at the same rate and under the same terms received by the city, local, or exempted village school district.

(3) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation and the resolution remains in effect, approval of exemptions by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) If the legislative authority is not required by division (C)(1), (2), or (3) of this section to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(5) Nothing in division (C) of this section prohibits the legislative authority of a municipal corporation from amending the ordinance or resolution under section 5709.51 of the Revised Code to extend the term of the exemption.

(D) The An exemption granted under this section commences on the effective date of the ordinance and with the tax year specified in the ordinance so long as the year specified in the ordinance commences after the effective date of the ordinance. If the ordinance specifies a year

commencing before the effective date of the ordinance or specifies no year, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and that commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided that such tax year commences after the effective date of the ordinance. In lieu of stating a specific year, the ordinance may allow for the exemption to commence in different tax years on a parcel-by-parcel basis, with a separate exemption term specified for each parcel. The exemption ends on the date specified in the ordinance as the date the improvement ceases to be a public purpose. The exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions. If an exemption status changes during a tax year, the procedure for the apportionment of the taxes for that year is the same as in the case of other changes in tax exemption status during the year.

(E) A municipal corporation, not later than fifteen days after the adoption of an ordinance granting a tax exemption under this section, shall submit to the director of development ~~services~~ a copy of the ordinance. On or before the thirty-first day of March each year, the municipal corporation shall submit a status report to the director of development outlining the progress of the project during each year that the exemption remains in effect.

Sec. 5709.61. As used in sections 5709.61 to 5709.69 of the Revised Code:

(A) "Enterprise zone" or "zone" means any of the following:

(1) An area with a single continuous boundary designated in the manner set forth in section 5709.62 or 5709.63 of the Revised Code and certified by the director of development as having a population of at least four thousand according to the best and most recent data available to the director and having at least two of the following characteristics:

(a) It is located in a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area;

(b) It is located in a county designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 5, 40 App. U.S.C.A. 403, as amended;

(c) Its average rate of unemployment, during the most recent twelve-month period for which data are available, is equal to at least one

hundred twenty-five per cent of the average rate of unemployment for the state of Ohio for the same period;

(d) There is a prevalence of commercial or industrial structures in the area that are vacant or demolished, or are vacant and the taxes charged thereon are delinquent, and certification of the area as an enterprise zone would likely result in the reduction of the rate of vacant or demolished structures or the rate of tax delinquency in the area;

(e) The population of all census tracts in the area, according to the federal census of 2000, decreased by at least ten per cent between the years 1980 and 2000;

(f) At least fifty-one per cent of the residents of the area have incomes of less than eighty per cent of the median income of residents of the municipal corporation or municipal corporations in which the area is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(g) The area contains structures previously used for industrial purposes, but currently not so used due to age, obsolescence, deterioration, relocation of the former occupant's operations, or cessation of operations resulting from unfavorable economic conditions either generally or in a specific economic sector;

(h) It is located within one or more adjacent city, local, or exempted village school districts, the income-weighted tax capacity of each of which is less than seventy per cent of the average of the income-weighted tax capacity of all city, local, or exempted village school districts in the state according to the most recent data available to the director from the department of taxation.

The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code establishing conditions constituting the characteristics described in divisions (A)(1)(d), (g), and (h) of this section.

If an area could not be certified as an enterprise zone unless it satisfied division (A)(1)(g) of this section, the legislative authority may enter into agreements in that zone under section 5709.62, 5709.63, or 5709.632 of the Revised Code only if such agreements result in the development of the facilities described in that division, the parcel of land on which such facilities are situated, or adjacent parcels. The director of development annually shall review all agreements in such zones to determine whether the agreements have resulted in such development; if the director determines that the agreements have not resulted in such development, the director immediately shall revoke certification of the zone and notify the legislative

authority of such revocation. Any agreements entered into prior to revocation under this paragraph shall continue in effect for the period provided in the agreement.

(2) An area with a single continuous boundary designated in the manner set forth in section 5709.63 of the Revised Code and certified by the director of development as having all of the following characteristics:

(a) Being located within a county that contains a population of three hundred thousand or less;

(b) Having a population of at least one thousand according to the best and most recent data available to the director;

(c) Having at least two of the characteristics described in divisions (A)(1)(b) to (h) of this section.

(3) An area with a single continuous boundary designated in the manner set forth under division (A)(1) of section 5709.632 of the Revised Code and certified by the director of development as having a population of at least four thousand, or under division (A)(2) of that section and certified as having a population of at least one thousand, according to the best and most recent data available to the director.

(B) "Enterprise" means any form of business organization including, but not limited to, any partnership, sole proprietorship, or corporation, including an S corporation as defined in section 1361 of the Internal Revenue Code and any corporation that is majority worker-owned either directly through the ownership of stock or indirectly through participation in an employee stock ownership plan.

(C) "Facility" means an enterprise's place of business in a zone, including land, buildings, machinery, equipment, and other materials, except inventory, used in business. "Facility" includes land, buildings, machinery, production and station equipment, other equipment, and other materials, except inventory, used in business to generate electricity, provided that, for purposes of sections 5709.61 to 5709.69 of the Revised Code, the value of the property at such a facility shall be reduced by the value, if any, that is not apportioned under section 5727.15 of the Revised Code to the taxing district in which the facility is physically located. In the case of such a facility that is physically located in two adjacent taxing districts, the property located in each taxing district constitutes a separate facility.

"Facility" does not include any portion of an enterprise's place of business used primarily for making retail sales unless the place of business is located in an impacted city as defined in section 1728.01 of the Revised Code or the board of education of the city, local, or exempted village school district within the territory of which the place of business is located adopts a

resolution waiving the exclusion of retail facilities under section 5709.634 of the Revised Code.

(D) "Vacant facility" means a facility that has been vacant for at least ninety days immediately preceding the date on which an agreement is entered into under section 5709.62 or 5709.63 of the Revised Code.

(E) "Expand" means to make expenditures to add land, buildings, machinery, equipment, or other materials, except inventory, to a facility that equal at least ten per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(F) "Renovate" means to make expenditures to alter or repair a facility that equal at least fifty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(G) "Occupy" means to make expenditures to alter or repair a vacant facility equal to at least twenty per cent of the market value of the facility prior to such expenditures, as determined for the purposes of local property taxation.

(H) "Project site" means all or any part of a facility that is newly constructed, expanded, renovated, or occupied by an enterprise.

(I) "Project" means any undertaking by an enterprise to establish a facility or to improve a project site by expansion, renovation, or occupancy.

(J) "Position" means the position of one full-time employee performing a particular set of tasks and duties.

(K) "Full-time employee" means an individual who is employed for consideration by an enterprise for at least thirty-five hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(L) "New employee" means a full-time employee first employed by an enterprise at a facility that is a project site after the enterprise enters an agreement under section 5709.62 or 5709.63 of the Revised Code. "New employee" does not include an employee if, immediately prior to being employed by the enterprise, the employee was employed by an enterprise that is a related member or predecessor enterprise of that enterprise.

(M) "Unemployed person" means any person who is totally unemployed in this state, as that term is defined in division (M) of section 4141.01 of the Revised Code, for at least ten consecutive weeks immediately preceding that person's employment at a facility that is a project site, or who is so unemployed for at least twenty-six of the fifty-two weeks immediately preceding that person's employment at such a facility.

(N) "JTPA eligible employee" means any individual who is eligible for employment or training under the "Job Training Partnership Act," 96 Stat.

1324 (1982), 29 U.S.C. 1501, as amended.

(O) "First used in business" means that the property referred to has not been used in business in this state by the enterprise that owns it, or by an enterprise that is a related member or predecessor enterprise of such an enterprise, other than as inventory, prior to being used in business at a facility as the result of a project.

(P) "Training program" means any noncredit training program or course of study that is offered by any state college or university; university branch district; community college; technical college; nonprofit college or university certified under section 1713.02 of the Revised Code; school district; joint vocational school district; school registered and authorized to offer programs under section 3332.05 of the Revised Code; an entity administering any federal, state, or local adult education and training program; or any enterprise; and that meets all of the following requirements:

- (1) It is approved by the director of development;
- (2) It is established or operated to satisfy the need of a particular industry or enterprise for skilled or semi-skilled employees;
- (3) An individual is required to complete the course or program before filling a position at a project site.

(Q) "Development" means to engage in the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, curbs, gutters, sidewalks, storm drainage facilities, and construction of other facilities or buildings equal to at least fifty per cent of the market value of the facility prior to the expenditures, as determined for the purposes of local property taxation.

(R) "Large manufacturing facility" means a single Ohio facility that employed an average of at least one thousand individuals during the five calendar years preceding an agreement authorized under division (C)(3) of section 5709.62 or division (B)(2) of section 5709.63 of the Revised Code. For purposes of this division, both of the following apply:

(1) A single Ohio manufacturing facility employed an average of at least one thousand individuals during the five calendar years preceding entering into such an agreement if one-fifth of the sum of the number of employees employed on the highest employment day during each of the five calendar years equals or exceeds one thousand.

(2) The highest employment day is the day or days during a calendar year on which the number of employees employed at a single Ohio manufacturing facility was greater than on any other day during the calendar year.

(S) "Business cycle" means the cycle of business activity usually regarded as passing through alternating stages of prosperity and depression.

(T) "Making retail sales" means the effecting of point-of-final-purchase transactions at a facility open to the consuming public, wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold.

(U) "Environmentally contaminated" means that hazardous substances exist at a facility under conditions that have caused or would cause the facility to be identified as contaminated by the state or federal environmental protection agency. These may include facilities located at sites identified in the master sites list or similar database maintained by the state environmental protection agency if the sites have been investigated by the agency and found to be contaminated.

(V) "Remediate" means to make expenditures to clean up an environmentally contaminated facility so that it is no longer environmentally contaminated that equal at least ten per cent of the real property market value of the facility prior to such expenditures as determined for the purposes of property taxation.

(W) "Related member" has the same meaning as defined in section 5733.042 of the Revised Code without regard to division (B) of that section, except that it is used with respect to an enterprise rather than a taxpayer.

(X) "Predecessor enterprise" means an enterprise from which the assets or equity of another enterprise has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner.

(Y) "Successor enterprise" means an enterprise to which the assets or equity of another enterprise has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner.

(Z) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 5709.62. (A) In any municipal corporation that is defined by the United States office of management and budget as a principal city of a metropolitan statistical area, the legislative authority of the municipal corporation may designate one or more areas within its municipal corporation as proposed enterprise zones. Upon designating an area, the legislative authority shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise

provided in division (E) of this section, on and after July 1, 1994, legislative authorities shall not enter into agreements under this section unless the legislative authority has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in division (A)(1) of section 5709.61 of the Revised Code, and shall forward the findings to the legislative authority of the municipal corporation. If the director certifies the area as having those characteristics, and thereby certifies it as a zone, the legislative authority may enter into an agreement with an enterprise under division (C) of this section.

(B) Any enterprise that wishes to enter into an agreement with a municipal corporation under division (C) of this section shall submit a proposal to the legislative authority of the municipal corporation on a form prescribed by the director of development services, together with the application fee established under section 5709.68 of the Revised Code. The form shall require the following information:

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting

the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the assessed value of tangible personal property first used in business at the project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except that, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to seventy-five per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the legislative authority;

(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to establish, expand, renovate, or occupy the remediated facility, and to hire new employees or preserve employment opportunities for existing employees at the remediated facility, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed fifty per cent, of the assessed valuation of the real property of the facility prior to remediation;

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed one hundred per cent, of the increase in

the assessed valuation of the real property of the facility during or after remediation;

(c) The incentive under division (C)(1)(a) of this section, except that the percentage of the assessed value of such property exempted from taxation shall not exceed one hundred per cent;

(d) The incentive under division (C)(1)(c) of this section.

(3) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of the assessed value of tangible personal property used in business at the project site as a result of the agreement, or of the assessed valuation of real property constituting the project site, or both;

(4) Enter into an agreement with an enterprise that either is the owner of real property constituting the site of a megaproject or is a megaproject supplier in return for an exemption for a specified number of years, not to exceed thirty, of a specified portion, up to one hundred per cent, of the increase in the assessed value of real property constituting the site of a megaproject or real property owned and occupied by the megaproject supplier, respectively, beginning after the tax year in which the agreement is formally approved by the legislative authority.

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed seventy-five per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed sixty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent.

(2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C)(1)(a), (b), and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may be for up to fifteen years and the exemption described in division (C)(4) of this section may be for up to thirty years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(3) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (D)(1) or (2) of this section, the legislative authority shall deliver to the board of education a notice not

later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The legislative authority may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, the legislative authority shall compensate the joint vocational school district within which the property is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's approval of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such approval as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(4) The legislative authority shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(E) This division applies to zones certified by the director of

development services under this section prior to July 22, 1994.

The legislative authority that designated a zone to which this division applies may enter into an agreement with an enterprise if the legislative authority finds that the enterprise satisfies one of the criteria described in divisions (E)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (C) of this section.

(F) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement is entered into under this section, if the legislative authority revokes its designation of a zone, or if the director of development services revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(G) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority

exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee charged against an enterprise, but such a waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code.

(H) When an agreement is entered into pursuant to this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, exempted village, or joint vocational school district or causing revenue to be forgone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (C)(1)(a) and (b), (C)(2)(a), (b), and (c), (C)(3) and (4), (D), and (I) of this section and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to,

or revocation of, that agreement by the legislative authority of a municipal corporation or the director of development services.

Sec. 5709.63. (A) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed enterprise zones. A board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed enterprise zone. The board shall petition the director of development services for certification of the area as having the characteristics set forth in division (A)(1) or (2) of section 5709.61 of the Revised Code as amended by Substitute Senate Bill No. 19 of the 120th general assembly. Except as otherwise provided in division (D) of this section, on and after July 1, 1994, boards of county commissioners shall not enter into agreements under this section unless the board has petitioned the director and the director has certified the zone under this section as amended by that act; however, all agreements entered into under this section as it existed prior to July 1, 1994, and the incentives granted under those agreements shall remain in effect for the period agreed to under those agreements. The director shall make the determination in the manner provided under section 5709.62 of the Revised Code.

Any enterprise wishing to enter into an agreement with the board under division (B) or (D) of this section shall submit a proposal to the board on the form and accompanied by the application fee prescribed under division (B) of section 5709.62 of the Revised Code. The enterprise shall review and update the estimates and listings required by the form in the manner required under that division. The board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) If the board of county commissioners finds that an enterprise submitting a proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, the board, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, may do ~~either one~~ of the following:

- (1) Enter into an agreement with the enterprise under which the

enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(a) When the facility is located in a municipal corporation, the board may enter into an agreement for one or more of the incentives provided in division (C) of section 5709.62 of the Revised Code, subject to division (D) of that section;

(b) When the facility is located in an unincorporated area, the board may enter into an agreement for one or more of the following incentives:

(i) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the assessed value of tangible personal property first used in business at a project site as a result of the agreement. If an exemption for inventory is specifically granted in the agreement pursuant to this division, the exemption applies to inventory required to be listed pursuant to sections 5711.15 and 5711.16 of the Revised Code, except, in the instance of an expansion or other situations in which an enterprise was in business at the facility prior to the establishment of the zone, the inventory that is exempt is that amount or value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into.

(ii) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to sixty per cent, of the increase in the assessed valuation of real property constituting the project site subsequent to formal approval of the agreement by the board;

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both;

(3) Enter into an agreement with an enterprise that either is the owner of real property constituting the site of a megaproject or is a megaproject supplier in return for an exemption for a specified number of years, not to

exceed thirty, of a specified portion, up to one hundred per cent, of the increase in the assessed value of real property constituting the site of a megaproject or real property owned and occupied by the megaproject supplier, respectively, beginning after the tax year in which the agreement is formally approved by the legislative authority.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years and the exemption described in division (B)(3) of this section may be for up to thirty years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(c) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (C)(1)(a) or (b) of this section, the board of county commissioners shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the board of county commissioners not later than fourteen days prior to the date stipulated by the board of county commissioners as the date upon which approval of the agreement is to be formally considered by the board of county commissioners. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The board of county commissioners may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the board of

county commissioners, or, if the board of education approves the agreement conditionally, at any time after the conditions are agreed to by the board of education and the board of county commissioners. If an agreement is negotiated between the legislative authority and the board to compensate the school district for all or part of the taxes exempted, the legislative authority shall compensate the joint vocational school district within which the property is located at the same rate and under the same terms received by the city, local, or exempted village school district.

If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board of education is not required under division (C) of this section. If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under this division fewer than forty-five business days prior to approval of the agreement by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(2) The board of county commissioners shall comply with section 5709.83 of the Revised Code unless the board of education has adopted a resolution under that section waiving its right to receive such notice.

(D) This division applies to zones certified by the director of development services under this section prior to July 22, 1994.

With the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of county commissioners that designated a zone to which this division applies may enter into an agreement with an enterprise if the board finds that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for one or more of the incentives described in division (B) of this section.

(E) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the board of county commissioners revokes its designation of a zone, or if the director of development services revokes a zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(F) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the board of county commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(G) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A) of this section, the board of county commissioners may delegate to that legislative authority or board any

powers and duties of the board of county commissioners to negotiate and administer agreements with regard to that zone under this section.

(H) When an agreement is entered into pursuant to this section, the board of county commissioners authorizing the agreement or the legislative authority or board of township trustees that negotiates and administers the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, exempted village, or joint vocational school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(I) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed, or annual report that is required to be filed under section 5727.08 of the Revised Code, while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(J) Enterprises may agree to give preference to residents of the zone within which the agreement applies relative to residents of this state who do not reside in the zone when hiring new employees under the agreement.

(K) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

(L) The tax commissioner's authority in determining the accuracy of any exemption granted by an agreement entered into under this section is limited to divisions (B)(1)(b)(i) and (ii), (B)(2) and (3), (C), and (I) of this section, division (B)(1)(b)(iv) of this section as it pertains to divisions (C)(2)(a), (b), and (c) of section 5709.62 of the Revised Code, and divisions (B)(1) to (10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the board of county commissioners or the director of development services or, if the board's powers and duties are delegated under division (G) of this section, by the legislative authority of a municipal corporation or board of township

trustees.

Sec. 5709.631. Each agreement entered into under sections 5709.62, 5709.63, and 5709.632 of the Revised Code on or after April 1, 1994, shall be in writing and shall include all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(A) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the investments to be made by the applicant enterprise or by another party at the facility whether or not the investments are exempted from taxation, including existing or new building size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the facility and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement that will not be exempted from taxation; the value of inventory at the facility, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the facility, and the value of inventory held at the facility prior to the execution of the agreement that will not be exempted from taxation;

(3) The scheduled starting and completion dates of investments made in building, machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the applicant enterprise due to the project, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (A)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the project site and at any other location in the state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(B) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted,

accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after (insert date) nor extend beyond (insert date)." The tax commissioner shall adopt rules prescribing the form the description of such property shall assume to ensure that the property to be exempted from taxation under the agreement is distinguishable from property that is not to be exempted under that agreement.

(2) A description of tangible personal property to be exempted from taxation under the agreement, the percentage of the assessed value of the tangible personal property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The minimum investment for tangible personal property to qualify for the exemption is \$..... (insert dollar amount) to purchase machinery and equipment first used in business at the facility as a result of the project, \$..... (insert dollar amount) for furniture and fixtures and other noninventory personal property first used in business at the facility as a result of the project, and \$..... (insert dollar amount) for new inventory. The maximum investment for tangible personal property to qualify for the exemption is \$..... (insert dollar amount) to purchase machinery and equipment first used in business at the facility as a result of the project, \$..... (insert dollar amount) for furniture and fixtures and other noninventory personal property first used in business at the facility as a result of the project, and \$..... (insert dollar amount) for new inventory. The exemption commences the first year for which the tangible personal property would first be taxable were that property not exempted from taxation. No exemption shall commence after tax return year (insert year) nor extend beyond tax return year (insert year). In no instance shall any tangible personal property be exempted from taxation for more than ten return years unless, under division (D)(2) of section 5709.62 or under division (C)(1)(b) of section 5709.63 of the Revised Code, the board of education approves exemption for a number of years in excess of ten, in which case the tangible personal property may be exempted from taxation for that number of years, not to exceed fifteen return years." No exemption shall be allowed for any type of tangible personal property if the total investment is less than the minimum dollar amount specified for that type of property. If, for a type of tangible personal property, there are no minimum or maximum investment dollar amounts specified in the statement or the dollar amounts are designated in the statement as not applicable, the exemption shall apply to the total cost of that type of tangible personal property first used in business at the facility as

a result of the project. The tax commissioner shall adopt rules prescribing the form the description of such property shall assume to ensure that the property to be exempted from taxation under the agreement is distinguishable from property that is not to be exempted under that agreement.

(3) "..... (insert name of enterprise) shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If (insert name of enterprise) fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(4) "..... (insert name of enterprise) hereby certifies that at the time this agreement is executed, (insert name of enterprise) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which (insert name of enterprise) is liable under Chapter 5727., 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, (insert name of enterprise) currently is paying the delinquent taxes pursuant to a delinquent tax contract enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against (insert name of enterprise). For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(5) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(6) "If for any reason the enterprise zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or (insert name of municipal corporation or county) revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless (insert name of enterprise) materially fails to fulfill its obligations under this agreement and (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation granted under

this agreement."

(7) "If (insert name of enterprise) materially fails to fulfill its obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(8) "..... (insert name of enterprise) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns or annual reports filed pursuant to section 5711.02 or 5727.08 of the Ohio Revised Code if requested by the council."

(9) "..... (insert name of enterprise) and (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

(10) "This agreement is not transferable or assignable without the express, written approval of (insert name of municipal corporation or county)."

(11) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that (insert name of enterprise), any successor enterprise, or any related member (as those terms are defined in section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(12) "In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by (insert name of enterprise) is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, (insert name of enterprise) shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(13) If the enterprise is the owner of real property constituting the site of

a megaproject or is a megaproject supplier, both of the following:

(a) A requirement that the enterprise annually certify to the legislative authority whether the megaproject operator or megaproject supplier, as applicable, holds a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year;

(b) A provision authorizing the legislative authority to terminate the exemption for current and subsequent tax years if the megaproject operator or megaproject supplier, as applicable, does not hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of the current tax year.

The statement described in division (B)(7) of this section may include the following statement, appended at the end of the statement: "and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien on exempted real property shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Notwithstanding section 5719.01 of the Revised Code, such a lien on exempted tangible personal property shall attach, and may be perfected, collected, and enforced, in the same manner as a security interest in goods under Chapter 1309. of the Revised Code, and shall otherwise have the same force and effect as such a security interest.

(C) If the director of development had to issue a waiver under section 5709.633 of the Revised Code as a condition for the agreement to be executed, the agreement shall include the following statement:

"Continuation of this agreement is subject to the validity of the circumstance upon which (insert name of enterprise) applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by (insert name of municipal corporation or county), the Director or (insert name of municipal corporation or county) discovers that such a circumstance did not exist, (insert name of enterprise) shall be deemed to have materially failed to comply with this agreement."

If the director issued a waiver on the basis of the circumstance described in division (B)(3) of section 5709.633 of the Ohio Revised Code, the conditions enumerated in divisions (B)(3)(a)(i) and (ii) or divisions

(B)(3)(b)(i) and (ii) of that section shall be incorporated in the information described in divisions (A)(2), (3), and (4) of this section.

Sec. 5709.632. (A)(1) The legislative authority of a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby certifies it as a zone, the legislative authority or board may enter into agreements with enterprises under division (B) of this section. Any enterprise wishing to enter into an agreement with a legislative authority or board of county commissioners under this section and satisfying one of the criteria described in divisions (B)(1) to (5) of this section shall submit a proposal to the legislative authority or board on the form prescribed under division (B) of section 5709.62 of the Revised Code and shall review and update the estimates and listings required by the form in the manner required under that division. The legislative authority or board may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(B) Prior to entering into an agreement with an enterprise, the legislative authority or board of county commissioners shall determine whether the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and to improve the economic climate of the municipal corporation or

municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, and whether the enterprise satisfies one of the following criteria:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development services has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for existing employees, in return for the following incentives:

(1) When the facility is located in a municipal corporation, a legislative authority or board of commissioners may enter into an agreement for one or more of the incentives provided in ~~division (C)~~ divisions (C)(1), (2), and (3) of section 5709.62 of the Revised Code, subject to division (D) of that section, or for the incentive provided in division (C)(4) of that section if the enterprise is the owner of real property constituting the site of a megaproject or is a megaproject supplier;

(2) When the facility is located in an unincorporated area, a board of commissioners may enter into an agreement for one or more of the incentives provided in divisions (B)(1)(b); and (B)(2); and ~~(B)(3)~~ of section 5709.63 of the Revised Code, subject to division (C) of that section, or for the incentive provided in division (B)(3) of that section if the enterprise is

the owner of real property constituting the site of a megaproject or is a megaproject supplier.

(D) All agreements entered into under this section shall be in the form prescribed under section 5709.631 of the Revised Code. After an agreement under this section is entered into, if the legislative authority or board of county commissioners revokes its designation of the zone, or if the director of development services revokes the zone's certification, any entitlements granted under the agreement shall continue for the number of years specified in the agreement.

(E) Except as otherwise provided in this division, an agreement entered into under this section shall require that the enterprise pay an annual fee equal to the greater of one per cent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority or board of commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority or board and shall be used by the legislative authority or board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority or board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the legislative authority or board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local,

exempted village, or joint vocational school district or causing revenue to be forgone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development services along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting forth separately the property, and related costs and values, exempted from taxation under the agreement.

(I) An agreement entered into under this section may include a provision requiring the enterprise to create one or more temporary internship positions for students enrolled in a course of study at a school or other educational institution in the vicinity, and to create a scholarship or provide another form of educational financial assistance for students holding such a position in exchange for the student's commitment to work for the enterprise at the completion of the internship.

Sec. 5709.92. (A) As used in this section:

(1) "School district" means a city, local, or exempted village school district.

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the

tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;

(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.

(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.

(7) "Threshold per cent" means the following:

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.

(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.

(e) For a school district in the highest capacity quintile, two per cent for

fiscal year 2016 and four per cent for fiscal year 2017.

(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.

(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section.

(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent

of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C)(1)(a) or (b) of this section.

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold per cent, zero;

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources;

(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent.

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero.

(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year;

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016.

(3)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014.

(4) The department of education shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.

(D)(1) Payments in the following amounts shall be made to school

districts and joint vocational school districts in tax years 2016 through 2021:

(a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.

(b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.

(c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.

(d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.

(e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.

(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.

No payment shall be made under division (D)(1) of this section after tax year 2021.

(2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division.

(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable.

(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be

made.

(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016.

(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense allocation, total allocation, or non-current

expense allocation.

(4) If the recipient district under division (G)(2) of this section or the newly created district under division (G)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the reimbursements for those losses.

(H) The payments required by divisions (C), (D), (E), ~~and (F)~~, and (I) of this section shall be distributed periodically to each school and joint vocational school district by the department of education unless otherwise provided for. Except as provided in division (D) of this section, if a levy that is a qualifying levy is not charged and payable in any year after 2014, payments to the school district or joint vocational school district shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to the levy loss of that levy.

(I) For fiscal years 2022 through 2026, if the total amount to be received under divisions (C) and (E) of this section by any school district that has a nuclear power plant located within its territory is less than the amount the district received under this section in fiscal year 2017, the district shall receive a supplemental payment equal to the difference between the amount to be received under those divisions for the fiscal year and the amount received under this section in fiscal year 2017.

Sec. 5709.93. (A) As used in this section:

(1) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points.

(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code.

(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for

current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time.

(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section.

(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time.

(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time.

(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time.

(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all

property on the tax list of real and public utility property for tax year 2014.

(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.

(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year

2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code;

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015.

(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) The sum of the amounts distributed to the municipal corporation in calendar year 2014 pursuant to section 5747.50 of the Revised Code;

(d) With respect to taxes levied by the municipal corporation, the taxes charged and payable against all property on the tax list of real and public utility property for municipal current expenses for tax year 2014;

(e) The amount of admissions tax collected by the municipal corporation in calendar year 2013, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2013 for which the municipal corporation has reported data to the commissioner;

(f) The amount of income taxes collected by the municipal corporation in calendar year 2013 as certified to the tax commissioner under section 5747.50 of the Revised Code in 2013, or if such information has not yet been reported to the commissioner, in the most recent year before 2014 for which the municipal corporation has reported such data to the commissioner;

(g) The sum of the amounts distributed to the municipal corporation from the gross casino revenue host city fund from July 2014 through April 2015;

(h) The sum of the amounts distributed to the municipal corporation from the gross casino revenue county fund from July 2014 through April 2015.

(16) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(16)(a) to (c) of this section less any reduction

required under division (B)(1) or (2) of this section.

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code.

(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;

(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code;

(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code;

(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final

state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board.

(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy

name containing the word "street"; lighting, or any levy name containing the word "lighting"; and water.

(20) "Operating fixed-rate levy loss" means, in the case of local taxing units other than municipal corporations, fixed-rate levy losses of levies imposed for purposes other than paying debt charges or, in the case of municipal corporations, fixed-rate levy losses of municipal current expense property tax levies.

(21)(a) "Qualifying municipal corporation" means a municipal corporation in the territory of which a qualifying end user is located.

(b) "Qualifying end user" means an end user of at least seven million qualifying kilowatt hours of electricity annually.

(c) "Qualifying kilowatt hours" means kilowatt hours of electricity generated by a renewable energy resource, as defined in section 5727.01 of the Revised Code, using wind energy and the distribution of which is subject to the tax levied under section 5727.81 of the Revised Code for any measurement period beginning after June 30, 2015.

(22) Any term used in this section has the same meaning as in section 5727.84 or 5751.20 of the Revised Code unless otherwise defined by this section.

(B)(1) "Total resources" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(2) "Current expense allocation" used to compute payments to be made under division (C) of this section shall be reduced to the extent that payments distributed in calendar year 2014 were attributable to levies no longer charged and payable.

(C)(1) Except as provided in division (D) of this section, the tax commissioner shall compute payments for operating fixed-rate levy losses of local taxing units and public libraries for fiscal year 2016 and each year thereafter as prescribed in divisions (C)(1)(a) and (b) of this section:

(a) For public libraries and local taxing units other than municipal corporations:

(i) If the ratio of current expense allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of current expense allocation to total resources is greater than the threshold per cent, the current expense allocation minus the product of total resources multiplied by the threshold per cent.

(b) For municipal corporations:

(i) If the ratio of the municipal current expense allocation to total

resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in the municipal corporation for measurement periods ending in the preceding calendar year. The payment shall be computed regardless of whether the qualifying municipal corporation qualifies for a payment under any other division of this section for the fiscal year in which the payment is computed under this division. For the purposes of this division, the commissioner may require an electric distribution company distributing qualifying kilowatt hours or, if the end user is a self-assessing purchaser, the end user, to report to the commissioner the number of qualifying kilowatt hours distributed through the meter of the qualifying end user.

(F)(1) The payments required to be made under divisions (C) ~~and~~, (D), and (H) of this section shall be paid from the local government tangible property tax replacement fund to the county undivided income tax fund in the proper county treasury. Beginning in August 2015, one-half of the

amount determined under each of those divisions shall be paid on or before the last day of August each year, and one-half shall be paid on or before the last day of February each year. Within thirty days after receipt of such payments, the county treasurer shall distribute amounts determined under this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall allocate the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes.

(2) On or before the last day of August and of February of each fiscal year that follows a calendar year in which taxes are paid on the basis of qualifying kilowatt hours of electricity distributed through the meter of a qualifying end user located in a qualifying municipal corporation, one-half of the payment computed under division (E) of this section shall be paid from the local government tangible personal property tax replacement fund directly to the qualifying municipal corporation. The municipal corporation shall credit the payments to a special fund created for the purpose of providing grants or other financial assistance to the qualifying end user or to compensate the municipal corporation for municipal income tax or other tax credits or reductions as the legislative authority may grant to the qualifying end user. Such grants or other financial assistance may be provided for by ordinance or resolution of the legislative authority of the qualifying municipal corporation and may continue for as long as is provided by the ordinance or resolution.

(G) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the square mileage of the merged or annexed territory as a percentage of the total square mileage of the jurisdiction from which the territory originated, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made.

(H) For fiscal years 2022 through 2026, if the total amount to be received under division (C) of this section by a joint fire district that has a nuclear power plant located within its territory is less than the amount the district received under this section in fiscal year 2017, the district shall receive a supplemental payment equal to the difference between the amount to be received under that division for the fiscal year and the amount received under this section in fiscal year 2017.

Sec. 5713.083. (A) The owner of property appearing on the exempt list shall notify the county auditor, on a form prescribed by the tax commissioner, if the property ceases to qualify for exemption. The notification shall be filed with the county auditor on or before the last day of the tax year for which the property ceases to qualify for exemption. Upon receipt of the notification, the county auditor shall return the property to the tax list.

(B) If the county auditor discovers that an owner failed to properly notify the auditor as required under division (A) of this section, the auditor shall impose a charge against the property described in that division equal to the total amount by which taxes were reduced for any of the five preceding tax years that the auditor ascertains the property was not entitled to the exemption and was owned by the current owner. The auditor shall notify the owner, by ordinary mail, of the charge, the owner's right to appeal the charge, and the manner in which the owner may appeal the charge. The owner may appeal the imposition of the charge by filing an exemption application with the tax commissioner under section 5715.27 of the Revised Code. Notwithstanding division (A) of section 5713.081 of the Revised Code, if the tax commissioner determines that the property was entitled to an exemption for one or more tax years for which a charge was imposed under this division, the tax commissioner may order the charge to be removed for those years and may remit any taxes, penalties, and interest paid for those years in the manner prescribed by section 5715.22 of the Revised Code. The charge shall be collected in the same manner as other delinquent taxes.

Sec. 5726.20. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or report or pay any tax as required by this chapter. The reporting person for a taxpayer shall file the annual report required under section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax imposed by this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer as provided in section 5703.90 of the Revised Code. The commissioner shall make the assessment in the manner provided in this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner

shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either in person or by certified mail, a written petition for reassessment signed by the person or the person's authorized agent having knowledge of the facts, the assessment shall become final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(D)(1) After an assessment becomes final, if any portion of the assessment, including any accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person resides or has its principal place of business in this state, or in the office of the clerk of court of common pleas of Franklin county.

(2) Immediately upon the filing of the entry, the clerk shall enter judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled, "special judgments for the financial institution tax" and shall have the same effect as other judgments. Execution shall issue upon the judgment at the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

(3) If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section

5703.47 of the Revised Code from the date the tax commissioner issues the assessment until the date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment.

(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter.

(G) If the tax commissioner possesses information indicating that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the reporting person for the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the secretary of state is hereby deemed to be that

person's agent for purposes of service of process or notice of any assessment, action, or proceedings instituted in this state against the person under this chapter. Such process or notice shall be served on such person by the commissioner or by an agent of the commissioner by leaving a true and attested copy of the process or notice at the office of the secretary of state at least fifteen days before the return day of such process or notice, and by sending a copy of the process or notice to such person by ordinary mail, with an endorsement thereon of the service upon the secretary of state, addressed to such person at the person's last known address.

Sec. 5727.75. (A) For purposes of this section:

(1) "Qualified energy project" means an energy project certified by the director of development ~~services~~ pursuant to this section.

(2) "Energy project" means a project to provide electric power through the construction, installation, and use of an energy facility.

(3) "Alternative energy zone" means a county declared as such by the board of county commissioners under division (E)(1)(b) or (c) of this section.

(4) "Full-time equivalent employee" means the total number of employee-hours for which compensation was paid to individuals employed at a qualified energy project for services performed at the project during the calendar year divided by two thousand eighty hours.

(5) "Solar energy project" means an energy project composed of an energy facility using solar panels to generate electricity.

(6) "Internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

(B)(1) Tangible personal property of a qualified energy project using renewable energy resources is exempt from taxation for tax years 2011 through ~~2023~~2025 if all of the following conditions are satisfied:

(a) On or before December 31, ~~2022~~2024, the owner or a lessee pursuant to a sale and leaseback transaction of the project submits an application to the power siting board for a certificate under section 4906.20 of the Revised Code, or if that section does not apply, submits an application for any approval, consent, permit, or certificate or satisfies any condition required by a public agency or political subdivision of this state for the construction or initial operation of an energy project.

(b) Construction or installation of the energy facility begins on or after January 1, 2009, and before January 1, ~~2023~~2025. For the purposes of this division, construction begins on the earlier of the date of application for a certificate or other approval or permit described in division (B)(1)(a) of this section, or the date the contract for the construction or installation of the

energy facility is entered into.

(c) For a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through ~~2023~~2025, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year ~~2024~~2026 and all ensuing tax years if the property was placed into service before January 1, ~~2024~~2026, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, 2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the

qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development ~~services~~ for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, ~~2022~~2024, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of twenty megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution to the owner of the facility and the director by certified mail or, if the board has record of an internet identifier of record associated with the owner or director, by ordinary mail and by that internet identifier of record. The board shall send such notice

within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of development ~~services~~ under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of twenty megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director.

(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following:

(1) Comply with all applicable regulations;

(2) File with the director of development ~~services~~ a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed

by the director of development ~~services~~, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each year after completion of the energy facility's construction or installation indicating the project's nameplate capacity as of the preceding thirty-first day of December. Not later than sixty days after June 17, 2010, the owner or lessee of an energy project, the construction of which was completed before June 17, 2010, shall file a certificate indicating the project's nameplate capacity.

(3) File with the director of development ~~services~~, in a manner prescribed by the director, a report of the total number of full-time equivalent employees, and the total number of full-time equivalent employees domiciled in Ohio, who are employed in the construction or installation of the energy facility;

(4) For energy projects with a nameplate capacity of twenty megawatts or greater, repair all roads, bridges, and culverts affected by construction as reasonably required to restore them to their preconstruction condition, as determined by the county engineer in consultation with the local jurisdiction responsible for the roads, bridges, and culverts. In the event that the county engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of twenty megawatts or greater, at the person's expense, equip the fire and emergency responders with proper

equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and not less than fifty per cent in the case of any other energy project. In the case of an energy project for which certification from the power siting board is required under section 4906.20 of the Revised Code, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development services, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of twenty megawatts, establish a relationship with a member of the university system of Ohio as defined in section 3345.011 of the Revised Code or with a person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code, to educate and train individuals for careers in the wind or solar energy industry. The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or

accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development ~~services~~ and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of

nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

(H) The director of development ~~services~~ in consultation with the tax commissioner shall adopt rules pursuant to Chapter 119. of the Revised Code to implement and enforce this section.

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the Revised Code:

(A) "Electric distribution company" means either of the following:

(1) A person who distributes electricity through a meter of an end user in this state or to an unmetered location in this state;

(2) The end user of electricity in this state, if the end user obtains electricity that is not distributed or transmitted to the end user by an electric distribution company that is required to remit the tax imposed by section 5727.81 of the Revised Code.

"Electric distribution company" does not include ~~an end user of~~

~~electricity in this state who self-generates electricity that is used directly by that end user on the same site that the electricity is generated~~ or a person that donates all of the electricity the person generates to a political subdivision of the state. Division (A)(2) of this section shall not apply to a political subdivision in this state that is the end user of electricity that is donated to the political subdivision.

(B) "Kilowatt hour" means one thousand watt hours of electricity.

(C) For an electric distribution company, "meter of an end user in this state" means the last meter used to measure the kilowatt hours distributed by an electric distribution company to a location in this state, or the last meter located outside of this state that is used to measure the kilowatt hours consumed at a location in this state.

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state.

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity.

(F) "Qualified end user" means an end user of electricity that satisfies either of the following criteria:

(1) The end user uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process.

(2) The end user uses electricity at a manufacturing location in this state for use in a chlor-alkali manufacturing process but, if the end user uses electricity distributed by a municipal electric utility, the end user can only be a "qualified end user" upon obtaining the consent of the legislative authority of the municipal corporation that owns or operates the utility.

(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity.

(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process.

(I) "Qualifying manufacturing process" means an electrochemical manufacturing process or a chlor-alkali manufacturing process.

(J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code.

(K) "Natural gas distribution company" means a natural gas company or a combined company that is subject to the excise tax imposed by section

5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state.

(L) "MCF" means one thousand cubic feet.

(M) For a natural gas distribution company, "meter of an end user in this state" means the last meter used to measure the MCF of natural gas distributed by a natural gas distribution company to a location in this state, or the last meter located outside of this state that is used to measure the natural gas consumed at a location in this state.

(N) "Flex customer" means an industrial or a commercial facility that has consumed more than one billion cubic feet of natural gas a year at a single location during any of the previous five years, or an industrial or a commercial end user of natural gas that purchases natural gas distribution services from a natural gas distribution company at discounted rates or charges established in any of the following:

(1) A special arrangement subject to review and regulation by the public utilities commission under section 4905.31 of the Revised Code;

(2) A special arrangement with a natural gas distribution company pursuant to a municipal ordinance;

(3) A variable rate schedule that permits rates to vary between defined amounts, provided that the schedule is on file with the public utilities commission.

An end user that meets this definition on January 1, 2000, or thereafter is a "flex customer" for purposes of determining the rate of taxation under division (D) of section 5727.811 of the Revised Code.

(O) "Electrochemical manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured. "Electrochemical manufacturing process" does not include a chlor-alkali manufacturing process.

(P) "Chlor-alkali manufacturing process" means a process that uses electricity to produce chlorine and other chemicals through the electrolysis of a salt solution.

Sec. 5727.81. (A) For the purpose of raising revenue to fund the needs of this state and its local governments, an excise tax is hereby levied and imposed on an electric distribution company for all electricity distributed by such company at the following rates per kilowatt hour of electricity distributed in a thirty-day period by the company through a meter of an end user in this state:

KILOWATT HOURS DISTRIBUTED	RATE PER
TO AN END USER	KILOWATT HOUR

For the first 2,000	\$0.00465
For the next 2,001 to 15,000	\$0.00419
For 15,001 and above	\$0.00363

If no meter is used to measure the kilowatt hours of electricity distributed by the company, the rates shall apply to the estimated kilowatt hours of electricity distributed to an unmetered location in this state.

The electric distribution company shall base the monthly tax on the kilowatt hours of electricity distributed to an end user through the meter of the end user that is not measured for a thirty-day period by dividing the days in the measurement period into the total kilowatt hours measured during the measurement period to obtain a daily average usage. The tax shall be determined by obtaining the sum of divisions (A)(1), (2), and (3) of this section and multiplying that amount by the number of days in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours distributed using a daily average.

Except as provided in division (C) of this section, the electric distribution company shall pay the tax to the tax commissioner in accordance with section 5727.82 of the Revised Code, unless required to remit each tax payment by electronic funds transfer to the treasurer of state in accordance with section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use

of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and thereafter, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more

than forty-five million kilowatt hours in other than its qualifying manufacturing process, may elect to self-assess the tax as allowed by this division with respect to the electricity used in other than its qualifying manufacturing process.

Payment of the tax shall be made directly to the tax commissioner in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code, or the treasurer of state in accordance with section 5727.83 of the Revised Code. If the electric distribution company serving the self-assessing purchaser is a municipal electric utility and the purchaser is within the municipal corporation's corporate limits, payment shall be made to such municipal corporation's general fund and reports shall be filed in accordance with divisions (A)(4) and (5) of section 5727.82 of the Revised Code, except that "municipal corporation" shall be substituted for "treasurer of state" and "tax commissioner." A self-assessing purchaser that pays the excise tax as provided in this division shall not be required to pay the tax to the electric distribution company from which its electricity is distributed. If a self-assessing purchaser's receipt of electricity is not subject to the tax as measured under this division, the tax on the receipt of such electricity shall be measured and paid as provided in division (A) of this section.

(3) In the case of the acquisition of a package, unless the elements of the package are separately stated isolating the total price of electricity from the price of the remaining elements of the package, the tax imposed under this section applies to the entire price of the package. If the elements of the package are separately stated, the tax imposed under this section applies to the total price of the electricity.

(4) Any electric supplier that sells electricity as part of a package shall separately state to the purchaser the total price of the electricity and, upon request by the tax commissioner, the total price of each of the other elements of the package.

(5) The tax commissioner may adopt rules relating to the computation of the total price of electricity with respect to self-assessing purchasers, which may include rules to establish the total price of electricity purchased as part of a package.

(6) An annual application for registration as a self-assessing purchaser shall be made for each qualifying meter or location on a form prescribed by the tax commissioner. The registration year begins on the first day of May and ends on the following thirtieth day of April. Persons may apply after the first day of May for the remainder of the registration year. In the case of an applicant applying on the basis of an estimated consumption of forty-five million kilowatt hours over the course of the succeeding twelve months, the

applicant shall provide such information as the tax commissioner considers to be necessary to estimate such consumption. At the time of making the application and by the first day of May of each year, a self-assessing purchaser shall pay a fee of five hundred dollars to the tax commissioner, or to the treasurer of state as provided in section 5727.83 of the Revised Code, for each qualifying meter or location. The tax commissioner shall immediately pay to the treasurer of state all amounts that the tax commissioner receives under this section. The treasurer of state shall deposit such amounts into the kilowatt hour excise tax administration fund, which is hereby created in the state treasury. Money in the fund shall be used to defray the tax commissioner's cost in administering the tax owed under section 5727.81 of the Revised Code by self-assessing purchasers. After the application is approved by the tax commissioner, the registration shall remain in effect for the current registration year, or until canceled by the registrant upon written notification to the commissioner of the election to pay the tax in accordance with division (A) of this section, or until canceled by the tax commissioner for not paying the tax or fee under division (C) of this section or for not meeting the qualifications in division (C)(2) of this section. The tax commissioner shall give written notice to the electric distribution company from which electricity is delivered to a self-assessing purchaser of the purchaser's self-assessing status, and the electric distribution company is relieved of the obligation to pay the tax imposed by division (A) of this section for electricity distributed to that self-assessing purchaser until it is notified by the tax commissioner that the self-assessing purchaser's registration is canceled. Within fifteen days of notification of the canceled registration, the electric distribution company shall be responsible for payment of the tax imposed by division (A) of this section on electricity distributed to a purchaser that is no longer registered as a self-assessing purchaser. A self-assessing purchaser with a canceled registration must file a report and remit the tax imposed by division (A) of this section on all electricity it receives for any measurement period prior to the tax being reported and paid by the electric distribution company. A self-assessing purchaser whose registration is canceled by the tax commissioner is not eligible to register as a self-assessing purchaser for two years after the registration is canceled.

(7) If the tax commissioner cancels the self-assessing registration of a purchaser registered on the basis of its estimated consumption because the purchaser does not consume at least forty-five million kilowatt hours of electricity over the course of the twelve-month period for which the estimate was made, the tax commissioner shall assess and collect from the purchaser

the difference between (a) the amount of tax that would have been payable under division (A) of this section on the electricity distributed to the purchaser during that period and (b) the amount of tax paid by the purchaser on such electricity pursuant to division (C)(2) of this section. The assessment shall be paid within sixty days after the tax commissioner issues it, regardless of whether the purchaser files a petition for reassessment under section 5727.89 of the Revised Code covering that period. If the purchaser does not pay the assessment within the time prescribed, the amount assessed is subject to the additional charge and the interest prescribed by divisions (B) and (C) of section 5727.82 of the Revised Code, and is subject to assessment under section 5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to ~~the~~:

(1) The distribution or obtaining of any kilowatt hours of electricity to the or by any of the following:

(a) The federal government, ~~to an~~;

(b) An end user located at a federal facility that uses electricity for the enrichment of uranium, ~~to a~~;

(c) A qualified regeneration meter, ~~or to an~~;

(d) An end user for any day the end user is a qualified end user;

(e) An end user if the electricity is generated by an electric generation facility that is primarily dedicated to providing electricity to the electric-consuming facilities of the end user, that is sized so as to not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection, that is physically interconnected and integrated with the electric-consuming facilities of the end user, and that is located on the same property on which the end user's electric-consuming facilities are situated or on property that is contiguous to the property on which the end user's electric-consuming facilities are situated.

(2) Kilowatt hours of electricity generated by a self-generator if the electric generating facility is sized so as not to exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection. The

The exemption under this division (D)(1)(d) of this section for a qualified end user only applies to the manufacturing location where the qualified end user uses electricity in a chlor-alkali manufacturing process or where the qualified end user uses more than three million kilowatt hours per day in an electrochemical manufacturing process. As used in division (D) of

this section, "customer-generator" and "self-generator" have the same meanings as in section 4928.01 of the Revised Code.

(E) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund except as provided by division (C) of this section and section 5727.82 of the Revised Code.

Sec. 5731.21. (A)(1)(a) Except as provided under division (A)(3) of this section, the executor or administrator, or, if no executor or administrator has been appointed, another person in possession of property the transfer of which is subject to estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, shall file an estate tax return, within nine months of the date of the decedent's death, in the form prescribed by the tax commissioner, in duplicate, with the probate court of the county. The return shall include all property the transfer of which is subject to estate taxes, whether that property is transferred under the last will and testament of the decedent or otherwise. The time for filing the return may be extended by the tax commissioner.

(b) The estate tax return described in division (A)(1)(a) of this section shall be accompanied by a certificate, in the form prescribed by the tax commissioner, that is signed by the executor, administrator, or other person required to file the return, and that states all of the following:

- (i) The fact that the return was filed;
- (ii) The date of the filing of the return;
- (iii) The fact that the estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, that are shown to be due in the return, have been paid in full;
- (iv) If applicable, the fact that real property listed in the inventory for the decedent's estate is included in the return;
- (v) If applicable, the fact that real property not listed in the inventory for the decedent's estate, including, but not limited to, survivorship tenancy property as described in section 5302.17 of the Revised Code or transfer on death property as described in sections 5302.22 and 5302.23 of the Revised Code, also is included in the return. In this regard, the certificate additionally shall describe that real property by the same description used in the return.

(2) The probate court shall forward one copy of the estate tax return described in division (A)(1)(a) of this section to the tax commissioner.

(3) A person shall not be required to file a return under division (A) of this section if the decedent was a resident of this state and the value of the decedent's gross estate is twenty-five thousand dollars or less in the case of a decedent dying on or after July 1, 1968, but before January 1, 2001; two

hundred thousand dollars or less in the case of a decedent dying on or after January 1, 2001, but before January 1, 2002; or three hundred thirty-eight thousand three hundred thirty-three dollars or less in the case of a decedent dying on or after January 1, 2002. No return shall be filed for estates of decedents dying on or after January 1, 2013.

(4)(a) Upon receipt of the estate tax return described in division (A)(1)(a) of this section and the accompanying certificate described in division (A)(1)(b) of this section, the probate court promptly shall give notice of the return, by a form prescribed by the tax commissioner, to the county auditor. The auditor then shall make a charge based upon the notice and shall certify a duplicate of the charge to the county treasurer. The treasurer then shall collect, subject to division (A) of section 5731.25 of the Revised Code or any other statute extending the time for payment of an estate tax, the tax so charged.

(b) Upon receipt of the return and the accompanying certificate, the probate court also shall forward the certificate to the auditor. When satisfied that the estate taxes under section 5731.02 or division (A) of section 5731.19 of the Revised Code, that are shown to be due in the return, have been paid in full, the auditor shall stamp the certificate so forwarded to verify that payment. The auditor then shall return the stamped certificate to the probate court.

(5)(a) The certificate described in division (A)(1)(b) of this section is a public record subject to inspection and copying in accordance with section 149.43 of the Revised Code. It shall be kept in the records of the probate court pertaining to the decedent's estate and is not subject to the confidentiality provisions of section 5731.90 of the Revised Code.

(b) All persons are entitled to rely on the statements contained in a certificate as described in division (A)(1)(b) of this section if it has been filed in accordance with that division, forwarded to a county auditor and stamped in accordance with division (A)(4) of this section, and placed in the records of the probate court pertaining to the decedent's estate in accordance with division (A)(5)(a) of this section. The real property referred to in the certificate shall be free of, and may be regarded by all persons as being free of, any lien for estate taxes under section 5731.02 and division (A) of section 5731.19 of the Revised Code.

(B) An estate tax return filed under this section, in the form prescribed by the tax commissioner, and showing that no estate tax is due shall result in a determination that no estate tax is due, if the tax commissioner within three months after the receipt of the return by the department of taxation, fails to file exceptions to the return in the probate court of the county in

which the return was filed. A copy of exceptions to a return of that nature, when the tax commissioner files them within that period, shall be sent by ordinary mail to the person who filed the return. The tax commissioner is not bound under this division by a determination that no estate tax is due, with respect to property not disclosed in the return.

(C) If the executor, administrator, or other person required to file an estate tax return fails to file it within nine months of the date of the decedent's death, the tax commissioner may determine the estate tax in that estate and issue a certificate of determination in the same manner as is provided in division (B) of section 5731.27 of the Revised Code. A certificate of determination of that nature has the same force and effect as though a return had been filed and a certificate of determination issued with respect to the return.

(D) No return shall be filed under this section or section 5731.24 of the Revised Code, and no tax shall be due under this chapter, with respect to either of the following:

(1) Property first discovered after December 31, 2021, that would otherwise be subject to the tax imposed by this chapter;

(2) Property first discovered on or before December 31, 2021, but not disclosed on a return or included in a certificate of determination issued by the tax commissioner on or before December 31, 2021.

Nothing in this division shall be construed to affect any estate tax liability determined by the tax commissioner for returns filed on or before December 31, 2021, or any tax liability determined under an agreement entered into under division (C) of section 5731.26 of the Revised Code. The estate shall pay any such liability.

Sec. 5731.24. ~~If~~ Except as provided in division (D) of section 5731.21 of the Revised Code, if an additional tax prescribed by section 5731.18 of the Revised Code is due, the executor, administrator, or other person required to file the estate tax return, within sixty days after the date of the final determination of the federal estate tax liability, shall file an additional tax return, in the form prescribed by the tax commissioner, in the same manner as is prescribed for the filing of the estate tax return. Subject to division (A) of section 5731.25 of the Revised Code or any other ~~state~~ statute extending the time for payment of an estate tax, the additional tax shall be paid, without notice or demand by the tax commissioner, with the return, and shall be charged and collected in the same manner as the estate tax, except that no interest shall accrue until sixty days after the date of the final determination of the federal estate tax liability.

Sec. 5731.28. If any debts deductible under section 5731.16 of the

Revised Code are proved against the gross estate after the tax levied by section 5731.02 or division (A) of section 5731.19 of the Revised Code has been determined, or if the determination of taxes so made is erroneous due to a mistake of fact or law, a claim for refund of tax may be filed by an executor, administrator, trustee, person in possession of property subject to tax, or any transferee thereof, within three years from the time the return was required to be filed (determined without regard to any extension of time for filing) or before January 1, 2022, whichever is earlier, in the form prescribed by the tax commissioner. The claim for refund shall be filed in the same manner as is prescribed for the filing of a return in section 5731.21 of the Revised Code and the determination of its correctness shall be made in the same manner as is provided for in the case of the return itself.

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, and to administer Chapters 5713. and 4503. of the Revised Code the tax commissioner may appoint agents in the unclassified civil service who shall perform such duties as are prescribed by the commissioner. Such agents shall, as compensation, receive annually eight cents per capita for each full one thousand of the first twenty thousand of the population of the county and two cents per capita for each full one thousand over twenty thousand of the population of the county, as shown by the ~~last~~ 2010 federal census, which shall be paid in equal monthly installments from the undivided inheritance or estate tax fund in the county treasury on the warrant of the county auditor or, if the balance of that fund is not sufficient to make such payments, from the county real estate assessment fund pursuant to division (B)(6) of section 325.31 of the Revised Code, any other provision of law to the contrary notwithstanding. The amount paid to any agent in the unclassified service for all of the duties performed under this section, as directed by the commissioner, shall not exceed three thousand nor be less than twelve hundred dollars in any calendar year.

Sec. 5739.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:

(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume

tangible personal property is or is to be granted;

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;

(3) All transactions by which:

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;

(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;

(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;

(d) Laundry and dry cleaning services are or are to be provided;

(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one corporation owns or controls another if it owns more than fifty per cent of the other corporation's common stock with voting rights.

(f) Telecommunications service, including prepaid calling service, prepaid wireless calling service, or ancillary service, is or is to be provided, but not including coin-operated telephone service;

(g) Landscaping and lawn care service is or is to be provided;

(h) Private investigation and security service is or is to be provided;

(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;

(j) Building maintenance and janitorial service is or is to be provided;

~~(k) Employment service is or is to be provided;~~

~~(l) Employment placement service is or is to be provided;~~

~~(m) Exterminating service is or is to be provided;~~

~~(n)~~(l) Physical fitness facility service is or is to be provided;

~~(o)~~(m) Recreation and sports club service is or is to be provided;

~~(p)~~(n) Satellite broadcasting service is or is to be provided;

~~(q)~~(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

~~(r)~~(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;

~~(s)~~(q) Motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

~~(t)~~(r) Snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

~~(u)~~(s) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or

improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) All transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the

consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, all transactions by which health care services are paid for, reimbursed, provided, delivered, arranged for, or otherwise made available by a medicaid health insuring corporation pursuant to the corporation's contract with the state.

(b) If the centers for medicare and medicaid services of the United States department of health and human services determines that the taxation of transactions described in division (B)(11)(a) of this section constitutes an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, the medicaid director shall notify the tax commissioner of that determination. Beginning with the first day of the month following that notification, the transactions described in division (B)(11)(a) of this section are not sales for the purposes of this chapter or Chapter 5741. of the Revised Code. The tax commissioner shall order that the collection of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code shall cease for transactions occurring on or after that date.

(12) All transactions by which a specified digital product is provided for permanent use or less than permanent use, regardless of whether continued payment is required.

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as

eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

The operator of any peer-to-peer car sharing program shall be considered to be the vendor.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as directed by the veterinarian.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed

matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

(i) The vendor's cost of the property sold;

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and

any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) Delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;

(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:

(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;

(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under

Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services under division (B)(11) of this section, "price" means the amount of managed care premiums received each month by a medicaid health insuring corporation.

(I) "Receipts" means the total amount of the prices of the sales of vendors, provided that the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit.

(J) "Place of business" means any location at which a person engages in business.

(K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.

(L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that are sold by an auctioneer employed directly by the person for such purpose, provided the location of such sales is not the auctioneer's permanent place of business. As used in this division, "permanent place of business" includes any location where such auctioneer has conducted more than two auctions during the year.

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in section 5739.091 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed.

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation,

or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most

recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

"Electronic information services" does not include electronic publishing.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;

(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;

(j) Providing debt collection services by any oral, written, graphic, or electronic means;

(k) Providing digital advertising services.

The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.

(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an

electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;

(h) Ancillary service;

(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.

(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:

(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.

(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to

have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital products delivered electronically, and content and ancillary services, that must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(6) "Value-added non-voice data service" means a telecommunications service in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(7) "Coin-operated telephone service" means a telecommunications service paid for by inserting money into a telephone accepting direct deposits of money to operate.

(8) "Customer" has the same meaning as in section 5739.034 of the Revised Code.

(BB) "Laundry and dry cleaning services" means removing soil or dirt from towels, linens, articles of clothing, or other fabric items that belong to others and supplying towels, linens, articles of clothing, or other fabric items. "Laundry and dry cleaning services" does not include the provision of self-service facilities for use by consumers to remove soil or dirt from towels, linens, articles of clothing, or other fabric items.

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such

magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, giving consultation or advice, playing or making a voice or other recording, making or keeping a record of the number of callers, and any other service provided to a consumer by means of a nine hundred telephone call, except when the nine hundred telephone call is the means by which the consumer makes a contribution to a recognized charity.

(GG) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or manufacturing processes, and also means conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge which may reveal the bases for new or enhanced products, equipment, or manufacturing processes.

(HH) "Qualified research and development equipment" means capitalized tangible personal property, and leased personal property that would be capitalized if purchased, used by a person primarily to perform

research and development. Tangible personal property primarily used in testing, as defined in division (A)(4) of section 5739.011 of the Revised Code, or used for recording or storing test results, is not qualified research and development equipment unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

~~(JJ) "Employment service" means providing or supplying personnel, on a temporary or long term basis, to perform work or labor under the supervision or control of another, when the personnel so provided or supplied receive their wages, salary, or other compensation from the provider or supplier of the employment service or from a third party that provided or supplied the personnel to the provider or supplier. "Employment service" does not include:~~

~~(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.~~

~~(2) Medical and health care services.~~

~~(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.~~

~~(4) Transactions between members of an affiliated group, as defined in division (B)(3)(c) of this section.~~

~~(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.~~

~~(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.~~

~~(LL)~~ "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

~~(MM)~~(KK) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

~~(NN)~~(LL) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

~~(OO)~~(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

~~(PP)~~(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling.

~~(QQ)~~(OO) "Horticulture" means the growing, cultivation, and production of flowers, fruits, herbs, vegetables, sod, mushrooms, and nursery stock. As used in this division, "nursery stock" has the same meaning as in section 927.51 of the Revised Code.

~~(RR)~~(PP) "Horticulture structure" means a building or structure used exclusively for the commercial growing, raising, or overwintering of horticultural products, and includes the area used for stocking, storing, and packing horticultural products when done in conjunction with the production of those products.

~~(SS)~~(QQ) "Newspaper" means an unbound publication bearing a title or

name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

~~(TT)(1)~~(RR)(1) "Feminine hygiene products" means tampons, panty liners, menstrual cups, sanitary napkins, and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle, but does not include grooming and hygiene products.

(2) "Grooming and hygiene products" means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and sun tan lotions and screens, regardless of whether any of these products are over-the-counter drugs.

(3) "Over-the-counter drugs" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, which label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

~~(UU)(1)~~(SS)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set up the tangible personal property.

(2) "Lease" and "rental," as defined in division ~~(UU)~~(SS) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division ~~(UU)(1)~~(SS)(1) of this section regardless of whether a transaction is

characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

~~(VV)~~(TT) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

~~(WW)~~(UU) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

~~(XX)~~(VV) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

~~(YY)~~(WW) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

~~(ZZ)~~(XX) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

~~(AAA)~~(YY) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

~~(BBB)~~(ZZ) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

~~(CCC)~~(AAA) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

~~(DDD)~~(BBB) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or

prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

~~(EEE)(1)~~(CCC)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division ~~(EEE)(1)~~(CCC)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

- (i) A vitamin;
- (ii) A mineral;
- (iii) An herb or other botanical;
- (iv) An amino acid;
- (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;
- (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions ~~(EEE)(2)(b)(i)~~(CCC)(2)(b)(i) to (v) of

this section.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

~~(FFF)~~(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

~~(GGG)~~(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

~~(HHH)~~(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

~~(HH)~~(GGG) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

~~(JJJ)~~(HHH) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction, or support a weak or deformed portion of the body. As used in this division, before July 1, 2019, "prosthetic device" does not include corrective eyeglasses, contact lenses, or dental prosthesis. On or after July 1, 2019, "prosthetic device" does not include dental prosthesis but does include corrective eyeglasses or

contact lenses.

~~(KKK)(1)(III)(1)~~ "Fractional aircraft ownership program" means a program in which persons within an affiliated group sell and manage fractional ownership program aircraft, provided that at least one hundred airworthy aircraft are operated in the program and the program meets all of the following criteria:

(a) Management services are provided by at least one program manager within an affiliated group on behalf of the fractional owners.

(b) Each program aircraft is owned or possessed by at least one fractional owner.

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft.

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners.

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program.

(2) As used in division ~~(KKK)(1)(III)(1)~~ of this section:

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section.

(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division ~~(KKK)(1)(e)(III)(1)(e)~~ of this section.

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions ~~(KKK)(1)(d)(III)(1)(d)~~ and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division ~~(KKK)(1)(e)(III)(1)(e)~~ of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft

ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division ~~(KKK)(1)(e)~~(III)(1)(e) of this section.

~~(LL)~~(JJJ) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an electronic format. Providing electronic publishing includes the functions necessary for the acquisition, formatting, editing, storage, and dissemination of data or information that is the subject of a sale.

~~(MMM)~~(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

~~(NNN)~~(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

~~(OOO)~~(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

~~(PPP)~~(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

~~(QQQ)~~(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division ~~(QQQ)~~(OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the

customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

~~(RRR)~~(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

~~(SSS)~~(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be calculated by the vendor on the basis of the total amount to be paid by the lessee or renter under the lease agreement. If the total amount of the consideration for the lease or rental includes amounts that are not calculated at the time the lease or rental is executed, the tax shall be calculated and collected by the vendor at the time such amounts are billed to the lessee or renter. In the case of an open-end lease or rental, the tax shall be calculated by the vendor on

the basis of the total amount to be paid during the initial fixed term of the lease or rental, and for each subsequent renewal period as it comes due. As used in this division, "motor vehicle" has the same meaning as in section 4501.01 of the Revised Code, and "watercraft" includes an outdrive unit attached to the watercraft.

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and

shall cause the amount deducted to be paid into the general revenue fund of this state;

(b) Sales of motor fuel other than that described in division (B)(6)(a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort to the operator or occupants of the vehicle.

(7) Sales of natural gas by a natural gas company or municipal gas utility, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state;

(11) Except for transactions that are sales under division ~~(B)(3)(e)~~ (B)(3)(p) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable purposes in this state, no part of the net income of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation; sales to offices administering one or more homes for the aged or one or more hospital facilities exempt under section 140.08 of the Revised Code; and sales to organizations described in division (D) of section 5709.12 of the Revised Code.

"Charitable purposes" means the relief of poverty; the improvement of health through the alleviation of illness, disease, or injury; the operation of an organization exclusively for the provision of professional, laundry, printing, and purchasing services to hospitals or charitable institutions; the operation of a home for the aged, as defined in section 5701.13 of the Revised Code; the operation of a radio or television broadcasting station that is licensed by the federal communications commission as a noncommercial educational radio or television station; the operation of a nonprofit animal adoption service or a county humane society; the promotion of education by an institution of learning that maintains a faculty of qualified instructors, teaches regular continuous courses of study, and confers a recognized diploma upon completion of a specific curriculum; the operation of a parent-teacher association, booster group, or similar organization primarily engaged in the promotion and support of the curricular or extracurricular activities of a primary or secondary school; the operation of a community or area center in which presentations in music, dramatics, the arts, and related fields are made in order to foster public interest and education therein; the production of performances in music, dramatics, and the arts; or the promotion of education by an organization engaged in carrying on research in, or the dissemination of, scientific and technological knowledge and information primarily for the public.

Nothing in this division shall be deemed to exempt sales to any organization for use in the operation or carrying on of a trade or business, or

sales to a home for the aged for use in the operation of independent living facilities as defined in division (A) of section 5709.12 of the Revised Code.

(13) Building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property under a construction contract with this state or a political subdivision of this state, or with the United States government or any of its agencies; building and construction materials and services sold to construction contractors for incorporation into a structure or improvement to real property that are accepted for ownership by this state or any of its political subdivisions, or by the United States government or any of its agencies at the time of completion of the structures or improvements; building and construction materials sold to construction contractors for incorporation into a horticulture structure or livestock structure for a person engaged in the business of horticulture or producing livestock; building materials and services sold to a construction contractor for incorporation into a house of public worship or religious education, or a building used exclusively for charitable purposes under a construction contract with an organization whose purpose is as described in division (B)(12) of this section; building materials and services sold to a construction contractor for incorporation into a building under a construction contract with an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 when the building is to be used exclusively for the organization's exempt purposes; building and construction materials sold for incorporation into the original construction of a sports facility under section 307.696 of the Revised Code; building and construction materials and services sold to a construction contractor for incorporation into real property outside this state if such materials and services, when sold to a construction contractor in the state in which the real property is located for incorporation into real property in that state, would be exempt from a tax on sales levied by that state; building and construction materials for incorporation into a transportation facility pursuant to a public-private agreement entered into under sections 5501.70 to 5501.83 of the Revised Code; and, until one calendar year after the construction of a convention center that qualifies for property tax exemption under section 5709.084 of the Revised Code is completed, building and construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption primarily in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption primarily in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical

facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and emergency medical services, for political subdivisions of the state;

(21) Sales of tangible personal property manufactured in this state, if sold by the manufacturer in this state to a retailer for use in the retail business of the retailer outside of this state and if possession is taken from the manufacturer by the purchaser within this state for the sole purpose of immediately removing the same from this state in a vehicle owned by the purchaser;

(22) Sales of services provided by the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use;

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:

(a) To prepare food for human consumption for sale;

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;

(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.

(28) Sales of animals by nonprofit animal adoption services or county humane societies;

(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;

(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;

(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or

satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(38) of this section, "related member" has the same meaning as in section

5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division ~~(B)(3)(e)~~ (B)(3)(p) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by this section shall be collected upon all meals, drinks, and food for human consumption sold when transporting persons. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(b) To hold the thing transferred as security for the performance of an

obligation of the vendor;

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;

(d) To use or consume the thing directly in commercial fishing;

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and "direct marketing" has the same meaning as in division (B)(35) of this section.

(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code;

(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public;

(m) To use tangible personal property to perform a service listed in division (B)(3) of section 5739.01 of the Revised Code, if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B)(42)(q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the surface of the earth.

(i) For the purposes of division (B)(42)(q) of this section, the "thing transferred" includes, but is not limited to, any of the following:

(I) Services provided in the construction of permanent access roads, services provided in the construction of the well site, and services provided in the construction of temporary impoundments;

(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;

(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;

(IV) Casing, tubulars, and float and centralizing equipment;

(V) Trailers to which production equipment is attached;

(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;

(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;

(IX) Pressure pumping equipment;

(X) Artificial lift systems equipment;

(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;

(XII) Tangible personal property directly used to control production equipment.

(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:

(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;

(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;

(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;

(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;

(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;

(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;

(VII) Well site fencing, lighting, or security systems;

(VIII) Communication devices or services;

(IX) Office supplies;

(X) Trailers used as offices or lodging;

(XI) Motor vehicles of any kind;

(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;

- (XIII) Tangible personal property used primarily as a safety device;
- (XIV) Data collection or monitoring devices;
- (XV) Access ladders, stairs, or platforms attached to storage tanks.

The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.

The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used directly and primarily to perform the functions of a call center. As used in this division, "call center" means any physical location where telephone calls are placed or received in high volume for the purpose of making sales, marketing, customer service, technical support, or other specialized business activity, and that employs at least fifty individuals that engage in call center activities on a full-time basis, or sufficient individuals to fill fifty full-time equivalent positions.

(46) Sales by a telecommunications service vendor of 900 service to a subscriber. This division does not apply to information services.

(47) Sales of value-added non-voice data service. This division does not apply to any similar service that is not otherwise a telecommunications service.

(48) Sales of feminine hygiene products.

(49) Sales of materials, parts, equipment, or engines used in the repair or maintenance of aircraft or avionics systems of such aircraft, and sales of

repair, remodeling, replacement, or maintenance services in this state performed on aircraft or on an aircraft's avionics, engine, or component materials or parts. As used in division (B)(49) of this section, "aircraft" means aircraft of more than six thousand pounds maximum certified takeoff weight or used exclusively in general aviation.

(50) Sales of full flight simulators that are used for pilot or flight-crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out-of-the-cockpit view, and a system that provides cues at least equivalent to those of a three-degree-of-freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

(52)(a) Sales to a qualifying corporation.

(b) As used in division (B)(52) of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility.

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of

cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(54) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following:

- (a) Accepts direct payments to operate;
- (b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(54)(a) of this section;
- (c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.

(55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:

- (i) An item of clothing, the price of which is seventy-five dollars or less;
- (ii) An item of school supplies, the price of which is twenty dollars or less;
- (iii) An item of school instructional material, the price of which is twenty dollars or less.

(b) As used in division (B)(55) of this section:

(i) "Clothing" means all human wearing apparel suitable for general use. "Clothing" includes, but is not limited to, aprons, household and shop; athletic supporters; baby receiving blankets; bathing suits and caps; beach capes and coats; belts and suspenders; boots; coats and jackets; costumes; diapers, children and adult, including disposable diapers; earmuffs; footlets; formal wear; garters and garter belts; girdles; gloves and mittens for general use; hats and caps; hosiery; insoles for shoes; lab coats; neckties; overshoes; pantyhose; rainwear; rubber pants; sandals; scarves; shoes and shoe laces; slippers; sneakers; socks and stockings; steel-toed shoes; underwear; uniforms, athletic and nonathletic; and wedding apparel. "Clothing" does not include items purchased for use in a trade or business; clothing accessories or equipment; protective equipment; sports or recreational equipment; belt buckles sold separately; costume masks sold separately; patches and emblems sold separately; sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles; and sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers.

(ii) "School supplies" means items commonly used by a student in a course of study. "School supplies" includes only the following items: binders; book bags; calculators; cellophane tape; blackboard chalk; compasses; composition books; crayons; erasers; folders, expandable, pocket, plastic, and manila; glue, paste, and paste sticks; highlighters; index cards; index card boxes; legal pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper; pencil boxes and other school supply boxes; pencil sharpeners; pencils; pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.

(56)(a) Sales of diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section 5164.30 of the Revised Code with the department of medicaid, provided that the medicaid program covers diapers or incontinence underpads as an incontinence garment.

(b) As used in division (B)(56)(a) of this section:

(i) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(ii) "Incontinence underpad" means an absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.

(57) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee. "Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the

state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent. The rate of any tax levied pursuant to this section shall be a multiple of one-twentieth of one per cent. The rate levied under this section in any county other than a county that adopted a charter under Article X, Section 3, Ohio Constitution, may exceed one per cent, but may not exceed one and one-half per cent minus the amount by which the rate levied under section 5739.023 of the Revised Code by the county transit authority exceeds one per cent.

The tax shall be levied and the rate increased pursuant to a resolution of the board of county commissioners. The resolution shall state the purpose for which the tax is to be levied and the number of years for which the tax is to be levied, or that it is for a continuing period of time. If the tax is to be levied for the purpose of providing additional general revenues and for the purpose of supporting criminal and administrative justice services, the resolution shall state the rate or amount of the tax to be apportioned to each such purpose. The rate or amount may be different for each year the tax is to be levied, but the rates or amounts actually apportioned each year shall not be different from that stated in the resolution for that year. Any amount by which the rate of the tax exceeds one per cent shall be apportioned exclusively for the construction, operation, acquisition, equipping, or repair of a detention facility in the county.

If the resolution is adopted as an emergency measure necessary for the immediate preservation of the public peace, health, or safety, it must receive

an affirmative vote of all of the members of the board of county commissioners and shall state the reasons for such necessity. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of the calendar quarter. A resolution proposing to levy a tax at a rate that would cause the rate levied under this section to exceed one per cent may not be adopted as an emergency measure.

Prior to the adoption of any resolution under this section, the board of county commissioners shall conduct two public hearings on the resolution, the second hearing to be not less than three nor more than ten days after the first. Notice of the date, time, and place of the hearings shall be given by publication in a newspaper of general circulation in the county, or as provided in section 7.16 of the Revised Code, once a week on the same day of the week for two consecutive weeks, the second publication being not less than ten nor more than thirty days prior to the first hearing.

Except as provided in division (B)(1) or (3) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

If a petition for a referendum is filed, the county auditor with whom the petition was filed shall, within five days, notify the board of county commissioners and the tax commissioner of the filing of the petition by certified mail. If the board of elections with which the petition was filed declares the petition invalid, the board of elections, within five days, shall notify the board of county commissioners and the tax commissioner of that declaration by certified mail. If the petition is declared to be invalid, the effective date of the tax or increased rate of tax levied by this section shall be the first day of a calendar quarter following the expiration of sixty-five days from the date the commissioner receives notice from the board of elections that the petition is invalid.

(B)(1) A resolution that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after a certified copy of such resolution is transmitted to the board of elections and the election is not held in August of any year. A resolution proposing to levy a tax at a rate that would cause the rate levied under this section to exceed one per cent may not go into effect unless the question is submitted to electors under this division. Upon transmission of the resolution to the board

of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under this division shall go into effect unless approved by a majority of those voting upon it, and, except as provided in division (B)(3) of this section, shall become effective on the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner receives notice from the board of elections of the affirmative vote.

(2) A resolution that is adopted as an emergency measure shall go into effect as provided in division (A) of this section, but may direct the board of elections to submit the question of repealing the tax or increase in the rate of the tax to the electors of the county at the next general election in the county occurring not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. The ballot question shall be the same as that prescribed in section 5739.022 of the Revised Code. The board of elections shall notify the board of county commissioners and the tax commissioner of the result of the election immediately after the result has been declared. If a majority of the qualified electors voting on the question of repealing the tax or increase in the rate of the tax vote for repeal of the tax or repeal of the increase, the board of county commissioners, on the first day of a calendar quarter following the expiration of sixty-five days after the date the board and tax commissioner receive notice of the result of the election, shall, in the case of a repeal of the tax, cease to levy the tax, or, in the case of a repeal of an increase in the rate of the tax, cease to levy the increased rate and levy the tax at the rate at which it was imposed immediately prior to the increase in rate.

(3) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or repealed or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt

any resolution authorized by this section as an emergency measure.

(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services or specifically for the purpose of constructing, operating, acquiring, equipping, or repairing a detention facility, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to one or more special funds created in the county treasury for receipt of that revenue.

Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution.

(F) For purposes of this section, a copy of a resolution is "certified" when it contains a written statement attesting that the copy is a true and exact reproduction of the original resolution.

(G) If a board of commissioners intends to adopt a resolution to levy a tax in whole or in part for the purpose of criminal and administrative justice services, the board shall prepare and make available at the first public hearing at which the resolution is considered a statement containing the following information:

(1) For each of the two preceding fiscal years, the amount of expenditures made by the county from the county general fund for the purpose of criminal and administrative justice services;

(2) For the fiscal year in which the resolution is adopted, the board's estimate of the amount of expenditures to be made by the county from the county general fund for the purpose of criminal and administrative justice services;

(3) For each of the two fiscal years after the fiscal year in which the

resolution is adopted, the board's preliminary plan for expenditures to be made from the county general fund for the purpose of criminal and administrative justice services, both under the assumption that the tax will be imposed for that purpose and under the assumption that the tax would not be imposed for that purpose, and for expenditures to be made from the special fund created under division (E) of this section under the assumption that the tax will be imposed for that purpose.

The board shall prepare the statement and the preliminary plan using the best information available to the board at the time the statement is prepared. Neither the statement nor the preliminary plan shall be used as a basis to challenge the validity of the tax in any court of competent jurisdiction, nor shall the statement or preliminary plan limit the authority of the board to appropriate, pursuant to section 5705.38 of the Revised Code, an amount different from that specified in the preliminary plan.

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section:

(1) "Criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility; and the construction, acquisition, equipping, or repair of such a detention facility.

(2) "Detention facility" has the same meaning as in section 2921.01 of

the Revised Code.

(3) "Construction, operation, acquisition, equipping, or repair" of a detention facility includes the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.03. (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale shall be reported on and the amount of the tax applicable thereto shall be remitted with the return for the period in which the sale is made, and the amount of the tax shall become a legal charge in favor of the vendor and against the consumer.

(B)(1)(a) If any sale is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11), (28), (48), or (55) of section 5739.02 of the Revised Code, ~~or if the consumer claims the transaction is not a taxable sale due to one or more of the exclusions provided under divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code,~~ the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A vendor that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale

covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 5741. of the Revised Code. Relief under this division from liability does not apply to any of the following:

(i) A vendor that fraudulently fails to collect tax;

(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption;

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;

(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.

(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.

(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.

(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate.

(5) Certificates need not be obtained nor provided where the identity of the consumer is such that the transaction is never subject to the tax imposed or where the item of tangible personal property sold or the service provided is never subject to the tax imposed, regardless of use, or when the sale is in interstate commerce.

(6) If a transaction is claimed to be exempt under division (B)(13) of

section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the vendor. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(C) As used in this division, "contractee" means a person who seeks to enter or enters into a contract or agreement with a contractor or vendor for the construction of real property or for the sale and installation onto real property of tangible personal property.

Any contractor or vendor may request from any contractee a certification of what portion of the property to be transferred under such contract or agreement is to be incorporated into the realty and what portion will retain its status as tangible personal property after installation is completed. The contractor or vendor shall request the certification by certified mail delivered to the contractee, return receipt requested. Upon receipt of such request and prior to entering into the contract or agreement, the contractee shall provide to the contractor or vendor a certification sufficiently detailed to enable the contractor or vendor to ascertain the resulting classification of all materials purchased or fabricated by the contractor or vendor and transferred to the contractee. This requirement applies to a contractee regardless of whether the contractee holds a direct payment permit under section 5739.031 of the Revised Code or provides to the contractor or vendor an exemption certificate as provided under this section.

For the purposes of the taxes levied by this chapter and Chapter 5741. of the Revised Code, the contractor or vendor may in good faith rely on the contractee's certification. Notwithstanding division (B) of section 5739.01 of the Revised Code, if the tax commissioner determines that certain property certified by the contractee as tangible personal property pursuant to this division is, in fact, real property, the contractee shall be considered to be the consumer of all materials so incorporated into that real property and shall be liable for the applicable tax, and the contractor or vendor shall be excused from any liability on those materials.

If a contractee fails to provide such certification upon the request of the contractor or vendor, the contractor or vendor shall comply with the provisions of this chapter and Chapter 5741. of the Revised Code without the certification. If the tax commissioner determines that such compliance

has been performed in good faith and that certain property treated as tangible personal property by the contractor or vendor is, in fact, real property, the contractee shall be considered to be the consumer of all materials so incorporated into that real property and shall be liable for the applicable tax, and the construction contractor or vendor shall be excused from any liability on those materials.

This division does not apply to any contract or agreement where the tax commissioner determines as a fact that a certification under this division was made solely on the decision or advice of the contractor or vendor.

(D) Notwithstanding division (B) of section 5739.01 of the Revised Code, whenever the total rate of tax imposed under this chapter is increased after the date after a construction contract is entered into, the contractee shall reimburse the construction contractor for any additional tax paid on tangible property consumed or services received pursuant to the contract.

(E) A vendor who files a petition for reassessment contesting the assessment of tax on sales for which the vendor obtained no valid exemption certificates and for which the vendor failed to establish that the sales were properly not subject to the tax during the one-hundred-twenty-day period allowed under division (B) of this section, may present to the tax commissioner additional evidence to prove that the sales were properly subject to a claim of exception or exemption. The vendor shall file such evidence within ninety days of the receipt by the vendor of the notice of assessment, except that, upon application and for reasonable cause, the period for submitting such evidence shall be extended thirty days.

The commissioner shall consider such additional evidence in reaching the final determination on the assessment and petition for reassessment.

(F) Whenever a vendor refunds the price, minus any separately stated delivery charge, of an item of tangible personal property on which the tax imposed under this chapter has been paid, the vendor shall also refund the amount of tax paid, minus the amount of tax attributable to the delivery charge.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the

rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as otherwise provided in this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. Except as provided in this section, the remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code.

(2) If the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a tax under division (A) of this section to provide that revenue from the tax shall be used by the board as described in either division (D) of section 307.678 or division (H) of section 307.695 of the Revised Code, the remainder of the revenue shall be used as described in the resolution making that amendment.

(3) Except as provided in division (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), or (Q) of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to division (A) of this section in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of section 5739.08 of the Revised Code.

(4) The board of a county that has levied a tax under division (M) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

(5) The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under division (A) of this section to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of

the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(6) The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under division (A) of this section to provide that revenue from the tax, not to exceed five hundred thousand dollars each year, may be used as described in division (E) of section 307.678 of the Revised Code.

(7) Notwithstanding division (A) of this section, the board of county commissioners of a county described in division (H)(1) of this section may, by resolution, amend a resolution levying a tax under division (A) of this section to provide that all or a portion of the revenue from the tax, including any revenue otherwise required to be returned to townships or municipal corporations under that division, may be used or pledged for the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining sports facilities described in division (H)(2) of this section.

(8) The board of county commissioners of a county described in division (I) of this section may, by resolution, amend a resolution levying a tax under division (A) of this section to provide that all or a portion of the revenue from the tax may be used for the purposes described in section 307.679 of the Revised Code.

(B) A board of county commissioners that levies an excise tax under division (A) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (M) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion,

advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(C)(1) As used in division (C) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) Division (C) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

(D)(1) As used in division (D) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) A board of county commissioners that levies a tax under division (A) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(b) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(3) Any board of county commissioners that, pursuant to division (D)(2) of this section, has amended a resolution levying the tax authorized by division (A) of this section may further amend the resolution to provide that the revenue referred to in division (D)(2)(b) of this section shall be pledged and contributed both to a convention facilities authority to pay the costs of constructing, expanding, maintaining, or operating one or more convention centers in the county, including paying bonds, or notes issued in anticipation of bonds, as provided in Chapter 351. of the Revised Code, and to a convention and visitors' bureau to pay the costs of promoting one or more

convention centers in the county.

(E)(1) As used in division (E) of this section:

(a) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(b) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(2) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(a) Amend a resolution previously adopted under division (A) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(b) Amend a resolution previously adopted under division (A) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(3) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (E)(2)(b) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(F)(1) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A) of this section at a rate of three per cent and levies an additional excise tax under division (O) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A) and (O) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping,

financing, or operating a convention center by a convention and visitors' bureau in the county.

(2) The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(G)(1) Division (G) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

(2) The board of county commissioners of a county to which division (G) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purpose of paying expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism.

(3) The increase in rate shall remain in effect for the period specified in the resolution, not to exceed twenty years, provided that the increase in rate may not continue beyond the time when the purpose for which the increase is levied ceases to exist. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(5) A resolution adopted under division (G) of this section is subject to

referendum under sections 305.31 to 305.99 of the Revised Code.

(H)(1) Division (H) of this section applies only to a county satisfying all of the following:

(a) The population of the county is greater than one hundred seventy-five thousand and less than two hundred twenty-five thousand according to the most recent federal decennial census.

(b) An amusement park with an average yearly attendance in excess of two million guests is located in the county.

(c) On December 31, 2014, an excise tax was levied in the county under division (A) of this section at a rate of three per cent.

(2) The board of county commissioners of a county to which division (H) of this section applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(4) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(I)(1) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in

section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities.

(2) The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(3) The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(J)(1) Division (J) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise tax under division (A) of this section and that has a population of at least thirty-nine thousand but not more than forty thousand according to the 2010 federal decennial census;

(b) A county that, on July 1, 2015, levies an excise tax under division (A) of this section at a rate of three per cent and that has a population of at least seventy-one thousand but not more than seventy-five thousand according to 2010 federal decennial census.

(2) The board of county commissioners of a county to which division (J) of this section applies, by resolution adopted by a majority of the members of the board, may levy an excise tax at a rate not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of acquiring, constructing, equipping, or repairing permanent improvements, as defined in section 133.01 of the Revised Code.

(3) If the board does not levy a tax under division (A) of this section, the board shall establish regulations necessary to provide for the administration of the tax, which may prescribe the time for payment of the tax and the imposition of penalty or interest subject to the limitations on penalty and interest provided in division (A) of this section. No portion of the revenue

shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board.

(4) The tax shall apply throughout the territory of the county, including in any township or municipal corporation levying an excise tax under division (A) or (B) of section 5739.08 of the Revised Code. The levy of the tax is subject to referendum as provided under section 305.31 of the Revised Code.

(5) The tax shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(K)(1) The board of county commissioners of an eligible county, as defined in section 307.678 of the Revised Code, that levies an excise tax under division (A) of this section on July 1, 2017, at a rate of three per cent may, by resolution adopted by a majority of the members of the board, amend the resolution levying the tax to increase the rate of the tax by not more than an additional three per cent on each transaction.

(2) No portion of the revenue shall be returned to townships or municipal corporations in the county unless otherwise provided by resolution of the board. Otherwise, the revenue from the increase in the rate shall be distributed and used in the same manner described under division (A) of this section or distributed or used to provide credit enhancement facilities as authorized under section 307.678 of the Revised Code.

(3) The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding unless provision is made by law or by the board for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges.

(L)(1) As used in division (L) of this section:

(a) "Eligible county" means a county that has a population greater than one hundred ninety thousand and less than two hundred thousand according to the 2010 federal decennial census and that levies an excise tax under division (A) of this section at a rate of three per cent.

(b) "Professional sports facility" means a sports facility that is intended to house major or minor league professional athletic teams, including a

stadium, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(2) Subject to division (L)(3) of this section, the board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Revenue from the increase in rate shall be used for the purposes of paying the costs of constructing, improving, and maintaining a professional sports facility in the county and paying expenses considered necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with respect to that professional sports facility. The tax shall take effect only after the convention and visitors' bureau enters into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, and thereafter shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless a provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A) of this section.

(3) If, on December 31, 2019, the convention and visitors' bureau has not entered into a contract for the construction, improvement, or maintenance of a professional sports facility that is or will be located on property acquired, in whole or in part, with revenue from the increased rate, the authority to levy the tax under division (L)(2) of this section is hereby repealed on that date.

(M)(1) For the purposes described in section 307.695 of the Revised Code and to cover the costs of administering the tax, a board of county commissioners of a county where a tax imposed under division (A) of this section is in effect may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, levy an additional

excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The tax authorized by division (M) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (L) of this section, but it shall not apply to transactions subject to a tax levied by a municipal corporation or township pursuant to section 5739.08 of the Revised Code.

(2) The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.695 of the Revised Code. The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend the resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code.

(4) A tax imposed under this division shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement entered into by the board under section 307.695 of the Revised Code is in effect, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(N)(1) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (N) of this section shall be in addition to any tax that is levied pursuant to divisions

(A) to (M) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (N) of this section. The levy of a tax imposed under division (N) of this section may not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.671 of the Revised Code by all parties to that agreement.

(4) The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(O)(1) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (O) of this section shall be in addition to any tax that is levied

pursuant to divisions (A) to (N) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The legislative authority of the county shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

(3) All revenues arising from the tax shall be expended in accordance with section 307.672 of the Revised Code and this division. The levy of a tax imposed under this division shall not commence prior to the first day of the month next following the execution of the cooperative agreement authorized by section 307.672 of the Revised Code by all parties to that agreement. The tax shall remain in effect at the rate at which it is imposed for the period of time determined by the legislative authority of the county. That period of time shall not exceed fifteen years, except that the legislative authority of a county with a population of less than two hundred fifty thousand according to the most recent federal decennial census, by resolution adopted by a majority of its members before the original tax expires, may extend the duration of the tax for an additional period of time. The additional period of time by which a legislative authority extends a tax levied under division (O) of this section shall not exceed fifteen years.

(P)(1) The legislative authority of a county that has levied a tax under division (O) of this section may, by resolution adopted within one hundred eighty days after January 4, 2001, by a majority of the members of the legislative authority, amend the resolution levying a tax under that division to provide for the use of the proceeds of that tax, to the extent that it is no longer needed for its original purpose as determined by the parties to a cooperative agreement amendment pursuant to division (D) of section 307.672 of the Revised Code, to pay costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, and to pay all obligations under any guaranty agreements, reimbursement agreements, or other credit enhancement agreements described in division (C) of section 307.674 of the Revised Code.

(2) The resolution may also provide for the extension of the tax at the same rate for the longer of the period of time determined by the legislative

authority of the county, but not to exceed an additional twenty-five years, or the period of time required to pay all debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code and on port authority revenue bonds provided for in division (B) of section 307.674 of the Revised Code.

(3) All revenues arising from the amendment and extension of the tax shall be expended in accordance with section 307.674 of the Revised Code and divisions (O) and (P) of this section.

(Q)(1) As used in division (Q) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million or more according to the most recent federal decennial census that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the

proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code.

(5) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (Q) of this section shall be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2003, for the principal purpose of constructing, improving, expanding, equipping, financing, or operating a convention center unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity. Notwithstanding any contrary provision of section 351.04 of the Revised Code, if a tax is levied by a county under division (Q) of this section, the board of county commissioners of that county may determine the manner of selection, the qualifications, the number, and terms of office of the members of the board of directors of any convention facilities authority, corporation, or other entity described in division (Q)(5) of this section.

(6)(a) No amount collected from a tax levied, extended, or required to be deposited in the county general fund under division (Q) of this section may be used for any purpose other than paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center and for the real and actual costs of administering the tax, unless, prior to the adoption of the resolution of the legislative authority of the county authorizing the levy, extension, increase, or deposit, the county and the mayor of the most populous municipal corporation in that county have entered into an agreement as to the use of such amounts, provided that such agreement has been approved by a majority of the mayors of the other municipal corporations in that county. The agreement shall provide that the amounts to be used for purposes other than paying the convention center or administrative costs described in division (Q)(6)(a) of this section be used only for the direct and indirect costs of capital improvements, including the financing of capital improvements.

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (Q)(6)(a) of this section shall be considered to be the

approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (Q) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(R)(1) As used in division (R) of this section:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (N) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (N) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (N) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A) of this section, the resolution shall provide that all collections resulting from the

rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(5) Any amount collected from a tax levied or extended under division (R) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount collected from a tax levied or extended under division (R) of this section may be contributed to a convention facilities authority, corporation, or other entity created after July 1, 2005, unless the mayor of the municipal corporation in which the convention center is to be operated by that convention facilities authority, corporation, or other entity has consented to the creation of that convention facilities authority, corporation, or entity.

(S) As used in division (S) of this section, "soldiers' memorial" means a memorial constructed and funded under Chapter 345. of the Revised Code.

The board of county commissioners of a county with a population between one hundred three thousand and one hundred seven thousand according to the most recent federal decennial census, by resolution adopted by a majority of the members of the board within six months after September 15, 2014, may levy a tax not to exceed three per cent on transactions by which a hotel is or is to be furnished to transient guests. The purpose of the tax shall be to pay the costs of expanding, maintaining, or operating a soldiers' memorial and the costs of administering the tax. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying those costs.

The board of county commissioners shall adopt all rules necessary to

provide for the administration of the tax subject to the same limitations on imposing penalty or interest under division (A) of this section.

(T) As used in division (T) of this section, "eligible county" means a county in which a county agricultural society or independent agricultural society is organized under section 1711.01 or 1711.02 of the Revised Code, provided the agricultural society owns a facility or site in the county at which an annual harness horse race is conducted where one-day attendance equals at least forty thousand attendees.

A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of paying the costs of permanent improvements at sites at which one or more agricultural societies conduct fairs or exhibits, paying the costs of maintaining or operating such permanent improvements, and paying the costs of administering the tax.

A resolution adopted under division (T) of this section, other than a resolution that only extends the period of time for which the tax is levied, shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (T) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

The tax shall remain in effect for the period specified in the resolution, not to exceed five years, and may be extended for an additional period of time not to exceed fifteen years thereafter by a resolution adopted by a majority of the members of the board. A resolution extending the period of time for which the tax is in effect is not subject to approval of the electors of the county, but is subject to referendum under sections 305.31 to 305.99 of the Revised Code. All revenue arising from the tax shall be credited to one or more special funds in the county treasury and shall be spent solely for the purposes of paying the costs of such permanent improvements and maintaining or operating the improvements. Revenue allocated for the use of a county agricultural society may be credited to the county agricultural society fund created in section 1711.16 of the Revised Code upon appropriation by the board. If revenue is credited to that fund, it shall be

expended only as provided in that section.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax. The rules may prescribe the time for payment of the tax, and may provide for the imposition or penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed in section 5703.47 of the Revised Code.

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V)(1) As used in division (V) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a

hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners, board of township trustees, or legislative authority of any county, township, or municipal corporation that levies a lodging tax on September 29, 2017, and in which any part of a tourism development district is located on or after that date shall amend the ordinance or resolution levying the tax to require either of the following:

(i) In the case of a tax levied by a county, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district;

(ii) In the case of a tax levied by a township or municipal corporation, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(b) Notwithstanding division (A) of this section, any ordinance or resolution levying a lodging tax adopted on or after September 29, 2017, by a county, township, or municipal corporation in which any part of a tourism development district is located on or after that date shall require that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(c) A county shall not use any of the proceeds described in division (V)(2)(a)(i) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the municipal corporation or township approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the municipal corporation or township may pay such proceeds to the bureau to use for the agreed-upon purpose.

(3)(a) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that levies a lodging tax on March 23, 2018, may amend the resolution levying that tax to require that all or a

portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county shall be used to foster and develop tourism in a tourism development district.

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(2) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All of the revenue from the tax shall be used to pay the costs of administering the tax or pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and used by the authority to pay the cost of constructing a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter, or paying the expenses of maintaining, operating, or promoting such a facility. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section.

(3) A resolution adopted under division (W) of this section shall direct the board of elections to submit the question of the proposed lodging tax to the electors of the county at a special election held on the date specified by the board in the resolution, provided that the election occurs not less than

ninety days after a certified copy of the resolution is transmitted to the board of elections. A resolution submitted to the electors under division (W) of this section shall not go into effect unless it is approved by a majority of those voting upon it. The resolution takes effect on the date the board of county commissioners receives notification from the board of elections of an affirmative vote.

(4) Once the tax is approved by the electors of the county pursuant to division (W)(3) of this section, it shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefore that is satisfactory to the trustee if a trust agreement secures the bonds.

(5) The tax authorized by division (W) of this section shall be in addition to any other tax that is levied pursuant to this section.

Sec. 5741.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form.

(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state.

(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state.

(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer was absolute or conditional, and by whatever means the transfer was effected; and whether the consideration was money, credit, barter, or exchange. Purchase includes production, even though the article produced was used, stored, or consumed by the producer. The transfer of copyrighted motion picture films for exhibition purposes is not a purchase, except such films as are used solely for advertising purposes.

(E) "Seller" means the person from whom a purchase is made, and includes every person engaged in this state or elsewhere in the business of selling tangible personal property or providing a service for storage, use, or other consumption or benefit in this state; and when, in the opinion of the

tax commissioner, it is necessary for the efficient administration of this chapter, to regard any salesperson, representative, peddler, or canvasser as the agent of a dealer, distributor, supervisor, or employer under whom the person operates, or from whom the person obtains tangible personal property, sold by the person for storage, use, or other consumption in this state, irrespective of whether or not the person is making such sales on the person's own behalf, or on behalf of such dealer, distributor, supervisor, or employer, the commissioner may regard the person as such agent, and may regard such dealer, distributor, supervisor, or employer as the seller. A marketplace facilitator shall be treated as the "seller" with respect to all sales facilitated by the marketplace facilitator on behalf of one or more marketplace sellers on and after the first day of the first month that begins at least thirty days after the marketplace facilitator first has substantial nexus with this state. Otherwise, "seller" does not include any person to the extent the person provides a communications medium, such as, but not limited to, newspapers, magazines, radio, television, or cable television, by means of which sellers solicit purchases of their goods or services.

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant

to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property.

(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state.

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity

as a common carrier, in this state for any of the following purposes:

- (i) Receiving or processing orders of the seller's goods or services;
- (ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;
- (iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;
- (iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.
- (d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.
- (e) Has an affiliated person that has substantial nexus with this state.
- (f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.
- (g) Has gross receipts in excess of one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.
- (h) Engages, in the current or preceding calendar year, in two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or providing services the benefit of which is realized in this state.

(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f), (g), and (h) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales.

(4) A marketplace facilitator is presumed to have substantial nexus with this state if either of the following apply in the current or preceding calendar year:

- (a) The aggregate gross receipts derived from sales of tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state, including sales made by the marketplace facilitator on its own behalf and sales facilitated by the marketplace facilitator on behalf of one or more marketplace sellers, exceed one hundred thousand dollars;
- (b) The marketplace facilitator engages in on its own behalf, or

facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state.

(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code.

(6) As used in division (I) of this section:

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations.

(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code.

(c) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(J) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county which is a transit authority, the fiscal officer of the county transit board appointed pursuant to section 306.03 of the Revised Code or, if the board of county commissioners operates the county transit system, the county auditor.

(K) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in section 5739.01

of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" or "rental" has the same meaning as in section 5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

~~(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States.~~

~~(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state.~~

~~(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller.~~

~~(T) "Marketplace facilitator" means a person that owns, operates, or controls a physical or electronic marketplace through which retail sales are facilitated on behalf of one or more marketplace sellers, or an affiliate of such a person. "Marketplace facilitator" does not include a person that provides advertising services, including tangible personal property or services listed for sale, if the advertising service platform or forum does not engage directly or indirectly through one or more affiliated persons in the activities described in division ~~(W)(2)~~ (T)(2) of this section.~~

~~(U)~~ (R) "Marketplace seller" means a person on behalf of which a marketplace facilitator facilitates the sale of tangible personal property for storage, use, or consumption in this state or services the benefit of which are realized in this state, regardless of whether or not the person has a substantial nexus with this state.

~~(V)~~ (S) "Electronic marketplace" includes digital distribution services, digital distribution platforms, online portals, application stores, computer software applications, in-app purchase mechanisms, or other digital products.

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ (T)(1), (2), and (3) of this section:

(1) The marketplace facilitator, directly or indirectly, does any of the following:

(a) Lists, makes available, or advertises the tangible personal property or services that are the subject of the sale in a physical or electronic marketplace owned, operated, or controlled by the marketplace facilitator;

(b) Transmits or otherwise communicates an offer or acceptance of the sale between the marketplace seller and the purchaser in a shop, store, booth, catalog, internet site, or other similar forum;

(c) Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects the marketplace seller to the purchaser for the purpose of making sales;

(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale;

(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division ~~(W)(1)~~ (T)(1) of this section;

(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale;

(g) Sets the price of the sale on behalf of the marketplace seller;

(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale;

(i) Brands or otherwise identifies the sale as a sale of the marketplace

facilitator.

(2) The marketplace facilitator, directly or indirectly, does any of the following:

(a) Collects the price of the tangible personal property or services sold to the consumer;

(b) Provides payment processing services for the sale;

(c) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service;

(d) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale.

(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests.

Sec. 5741.03. (A) One hundred per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

~~(C)(1) Not later than the first day of each January and July following the date remote sellers are first required to register, collect, and remit use tax under this chapter, the tax commissioner and the director of budget and management shall jointly determine the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this chapter by remote sellers during the six-month period ending on the preceding last day of November and of May, respectively, reduced by any refunds issued during the six-month period to remote sellers from the tax refund fund on account of that tax.~~

~~(2) Not later than that last day of each January and July following the date the commissioner and the director make a determination under division (C)(1) of this section, the director of budget and management shall transfer from the general revenue fund to the income tax reduction fund the amount determined under that division. Amounts transferred to the income tax reduction fund under this division shall be included in the determination of the percentage under division (B)(2) of section 131.44 of the Revised Code required to be made by the thirty first day of July of the calendar year in which the commissioner makes the certifications under this division.~~

Sec. 5741.17. (A)(1) Except as otherwise provided in divisions (A)(2), (3), and (4) of this section, every seller of tangible personal property or services who has substantial nexus with this state shall register with the tax commissioner and supply any information concerning the seller's contacts with this state that may be required by the commissioner.

(2) A seller who is licensed as a vendor pursuant to section 5739.17 of the Revised Code shall not be required to register with the commissioner pursuant to this section if all sales to consumers in this state are made under the authority of the seller's vendor's license.

(3) A seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same

benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

~~(C) A remote small seller is not required to register under this section.~~

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits the following, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income:

(a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code;

(b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under

federal law.

(6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the ~~targeted jobs~~ work opportunity tax credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.

(7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.

(8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.

(9) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code.

(10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(10) of this section, "medical care" has

the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(14)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on

those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code;

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year.

(15) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that such amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(16) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(16) of this section.

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years

beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(17) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(17)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the

amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(18)(a) of this section is attributable to an add-back allocated under division (A)(17)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(18)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation results in or increases a federal net operating loss carryback or carryforward. If no such deduction is available for a taxable year, the taxpayer may carry forward the amount not deducted in such taxable year to the next taxable year and add that amount to any deduction otherwise available under division (A)(18)(a) of this section for that next taxable year. The carryforward of amounts not so deducted shall continue until the entire addition required by division (A)(17)(a) of this section has been deducted.

(19) Deduct, to the extent not otherwise deducted or excluded in

computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(20) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as a death benefit paid by the adjutant general under section 5919.33 of the Revised Code.

(21) Deduct, to the extent included in federal adjusted gross income and not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, military pay and allowances received by the taxpayer during the taxable year for active duty service in the United States army, air force, navy, marine corps, or coast guard or reserve components thereof or the national guard. The deduction may not be claimed for military pay and allowances received by the taxpayer while the taxpayer is stationed in this state.

(22) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year and not otherwise compensated for by any other source, the amount of qualified organ donation expenses incurred by the taxpayer during the taxable year, not to exceed ten thousand dollars. A taxpayer may deduct qualified organ donation expenses only once for all taxable years beginning with taxable years beginning in 2007.

For the purposes of division (A)(22) of this section:

(a) "Human organ" means all or any portion of a human liver, pancreas, kidney, intestine, or lung, and any portion of human bone marrow.

(b) "Qualified organ donation expenses" means travel expenses, lodging expenses, and wages and salary forgone by a taxpayer in connection with the taxpayer's donation, while living, of one or more of the taxpayer's human organs to another human being.

(23) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as retired personnel pay for service in the uniformed services or reserve components thereof, or the national guard, or received by the surviving spouse or former spouse of such a taxpayer under the survivor benefit plan on account of such a taxpayer's death. If the taxpayer receives income on account of retirement paid under the federal civil service retirement system or federal employees retirement system, or under any successor retirement program enacted by the congress of the United States that is established and maintained for retired employees of the United States government, and such retirement income is based, in whole or

in part, on credit for the taxpayer's uniformed service, the deduction allowed under this division shall include only that portion of such retirement income that is attributable to the taxpayer's uniformed service, to the extent that portion of such retirement income is otherwise included in federal adjusted gross income and is not otherwise deducted under this section. Any amount deducted under division (A)(23) of this section is not included in a taxpayer's adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(23) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(24) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5902.05 of the Revised Code.

(25) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received as a veterans bonus during the taxable year from the Ohio department of veterans services as authorized by Section 2r of Article VIII, Ohio Constitution.

(26) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, Ohio college opportunity or federal Pell grant amounts received by the taxpayer or the taxpayer's spouse or dependent pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 1070a, et seq., and used to pay room or board furnished by the educational institution for which the grant was awarded at the institution's facilities, including meal plans administered by the institution. For the purposes of this division, receipt of a grant includes the distribution of a grant directly to an educational institution and the crediting of the grant to the enrollee's account with the institution.

(28) Deduct from the portion of an individual's federal adjusted gross income that is business income, to the extent not otherwise deducted or excluded in computing federal adjusted gross income for the taxable year, one hundred twenty-five thousand dollars for each spouse if spouses file separate returns under section 5747.08 of the Revised Code or two hundred fifty thousand dollars for all other individuals.

(29) Deduct, as provided under section 5747.78 of the Revised Code,

contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.

(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following:

(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer;

(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business.

(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code.

(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of expenses described in subsections (a)(2)(D)(i) and (ii) of section 62 of the Internal Revenue Code paid or incurred by the taxpayer during the taxpayer's taxable year in excess of the amount the taxpayer is authorized to deduct for that taxable year under subsection (a)(2)(D) of that section.

~~(34)~~(32) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, amounts received by the taxpayer as a disability severance payment, computed under 10 U.S.C. 1212, following discharge or release under honorable conditions from the armed forces, as defined by 10 U.S.C. 101.

(33) Deduct, to the extent not otherwise deducted or excluded in computing federal adjusted gross income or Ohio adjusted gross income, amounts not subject to tax due to an agreement entered into under division

(A)(2) of section 5747.05 of the Revised Code.

(34) Deduct amounts as provided under section 5747.79 of the Revised Code related to the taxpayer's qualifying capital gains and deductible payroll.

To the extent a qualifying capital gain described under division (A)(34) of this section is business income, the taxpayer shall deduct those gains under this division before deducting any such gains under division (A)(28) of this section.

(35)(a) For taxable years beginning in or after 2026, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year:

(i) One hundred per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in Ohio businesses during the period for which the company was an Ohio venture operating company; and

(ii) Fifty per cent of the capital gain received by the taxpayer in the taxable year from a qualifying interest in an Ohio venture capital operating company attributable to the company's investments in all other businesses during the period for which the company was an Ohio venture operating company.

(b) Add amounts previously deducted by the taxpayer under division (A)(35)(a) of this section if the director of development certifies to the tax commissioner that the requirements for the deduction were not met.

(c) All terms used in division (A)(35) of this section have the same meanings as in section 122.851 of the Revised Code.

(d) To the extent a capital gain described in division (A)(35)(a) of this section is business income, the taxpayer shall apply that division before applying division (A)(28) of this section.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and

distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a

person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the trust by any of the sources enumerated in that division shall be ascertained by multiplying the fair market value of the trust's assets, net of related liabilities, by the qualifying ratio, which shall be computed as follows:

(i) The first time the trust receives assets, the numerator of the qualifying ratio is the fair market value of those assets at that time, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the qualifying ratio is the fair market value of all the trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a revised qualifying ratio shall be computed. The numerator of the revised qualifying ratio is the sum of (1) the fair market value of the trust's assets immediately prior to the subsequent transfer, net of any related liabilities, multiplied by the qualifying ratio last computed without regard to the subsequent transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the

time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the

Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year.

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section;

(3) Add the amount of personal exemption allowed to the estate pursuant to section 642(b) of the Internal Revenue Code;

(4) Deduct interest or dividends, net of related expenses deducted in computing federal taxable income, on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are exempt from state taxes under the laws of the United States, but only to the extent that such amount is included in federal taxable income and is described in either division (S)(1)(a) or (b) of this section;

(5) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal taxable income for the taxable year, had the ~~targeted jobs~~ work opportunity tax credit allowed under sections 38, 51, and 52 of the Internal Revenue Code not been in effect, but only to the extent such amount relates either to income included in federal taxable income for the taxable year or to income of the S portion of an electing small business trust for the taxable year;

(6) Deduct any interest or interest equivalent, net of related expenses deducted in computing federal taxable income, on public obligations and purchase obligations, but only to the extent that such net amount relates either to income included in federal taxable income for the taxable year or to

income of the S portion of an electing small business trust for the taxable year;

(7) Add any loss or deduct any gain resulting from sale, exchange, or other disposition of public obligations to the extent that such loss has been deducted or such gain has been included in computing either federal taxable income or income of the S portion of an electing small business trust for the taxable year;

(8) Except in the case of the final return of an estate, add any amount deducted by the taxpayer on both its Ohio estate tax return pursuant to section 5731.14 of the Revised Code, and on its federal income tax return in determining federal taxable income;

(9)(a) Deduct any amount included in federal taxable income solely because the amount represents a reimbursement or refund of expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable

income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(17) or (18) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute modified business income and does not otherwise constitute a qualifying trust amount.

(b) The qualifying trust amount multiplied by a fraction, the numerator of which is the sum of the book value of the qualifying investee's physical assets in this state on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets

everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (AA)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (AA)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (AA)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (AA)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (AA)(2)(a) of this section and for the purpose of computing the fraction described in division (AA)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any

members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (AA)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's physical assets that the lower level pass-through entity directly or indirectly owns on the last day of the lower level pass-through entity's calendar or fiscal year ending within or with the last day of the upper level pass-through entity's fiscal or calendar year. If the upper level pass-through entity directly and indirectly owns less than fifty per cent of the equity of the lower level pass-through entity on each day of the upper level pass-through entity's calendar or fiscal year in which or with which ends the calendar or fiscal year of the lower level pass-through entity and if, based upon clear and convincing evidence, complete information about the location and cost of the physical assets of the lower pass-through entity is not available to the upper level pass-through entity, then solely for purposes of ascertaining if a gain or loss constitutes a qualifying trust amount, the upper level pass-through entity shall be deemed as owning no equity of the lower level pass-through entity for each day during the upper level pass-through entity's calendar or fiscal year in which or with which ends the lower level pass-through entity's calendar or fiscal year. Nothing in division (AA)(5)(a)(iii) of this section shall be construed to provide for any deduction or exclusion in computing any trust's Ohio taxable income.

(b) With respect to a trust that is not a resident for the taxable year and with respect to a part of a trust that is not a resident for the taxable year,

"qualifying investee" for that taxable year does not include a C corporation if both of the following apply:

(i) During the taxable year the trust or part of the trust recognizes a gain or loss from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, the C corporation.

(ii) Such gain or loss constitutes nonbusiness income.

(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(CC) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(DD)(1) For the purposes of division (DD) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:

(1) "Trust" does not include a qualified pre-income tax trust.

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests.

The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under ~~division~~ divisions (A)(28) and (34) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate

otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured as prescribed in divisions (A)(1) to (4) of this section.

(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied in the same amount as the tax is imposed on estates as prescribed in division (A)(2) of this section.

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income. The tax shall be levied at the rate of ~~one and forty-two thousand seven hundred forty-four hundred thousandths per cent~~ 1.38462% for the first ~~twenty-one~~ twenty-five thousand ~~seven hundred fifty~~ dollars of such income and, for income in excess of that amount, the tax shall be levied at the same rates prescribed in division (A)(3) of this section for individuals.

(3) In the case of individuals, the tax imposed by this section on income other than taxable business income shall be measured by Ohio adjusted gross income, less taxable business income and less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. If the balance thus obtained is equal to or less than ~~twenty-one~~ twenty-five thousand ~~seven hundred fifty~~ dollars, no tax shall be imposed on that balance. If the balance thus obtained is greater than ~~twenty-one~~ twenty-five thousand ~~seven hundred fifty~~ dollars, the tax is hereby levied as follows:

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)	TAX
More than \$21,750 <u>25,000</u> but not more than \$43,450 <u>44,250</u>	\$310.47 <u>346.16</u> plus 2.850 <u>2.765%</u> of the amount in excess of \$21,750 <u>25,000</u>
More than \$43,450 <u>44,250</u> but not more than \$86,900 <u>88,450</u>	\$928.92 <u>878.42</u> plus 3.326 <u>3.226%</u> of the amount in excess of \$43,450 <u>44,250</u>
More than \$86,900 <u>88,450</u> but not more than \$108,700 <u>110,650</u>	\$2,374.07 <u>2,304.31</u> plus 3.802 <u>3.688%</u> of the amount in excess of \$86,900 <u>88,450</u>

More than ~~\$108,700~~ 110,650 but ~~\$3,202.91~~ 3,123.05 plus ~~4.413~~
~~not more than \$217,400~~ 3.990% of the amount in excess of
~~\$108,700~~ 110,650
More than ~~\$217,400~~ \$7,999.84 plus ~~4.797%~~ of the
~~amount in excess of \$217,400~~

(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under divisions (A)(1) to (3) of this section shall be reduced by the percentage prescribed in that certification for

taxable years beginning in the calendar year in which that certification is made.

(C)(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (C) of this section equal to the lesser of (a) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (b) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) Any credit authorized against the tax imposed by this section applies to a trust subject to division (C) of this section only if the trust otherwise qualifies for the credit. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(D) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(E) Nothing in division (A)(3) of this section shall prohibit an individual with an Ohio adjusted gross income, less taxable business income and exemptions, of ~~twenty-one~~ twenty-five thousand ~~seven hundred fifty~~ dollars or less from filing a return under this chapter to receive a refund of taxes withheld or to claim any refundable credit allowed under this chapter.

Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the aggregate income tax

liability imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and business income of any nonresident taxpayer that is not allocable or apportionable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code. The credit provided under this division shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The tax commissioner may enter into an agreement with the taxing authorities of any state or of the District of Columbia that imposes an income tax to provide that compensation paid in this state to a nonresident taxpayer shall not be subject to the tax levied in section 5747.02 of the Revised Code so long as compensation paid in such other state or in the District of Columbia to a resident taxpayer shall likewise not be subject to the income tax of such other state or of the District of Columbia.

(B) The lesser of division (B)(1) or (2) of this section:

(1) The aggregate amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the combined adjusted gross income and business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(1) of this section shall not exceed the total tax due under section 5747.02 of the Revised Code.

(2) The amount of income tax liability to another state or the District of Columbia on the portion of the combined adjusted gross income and business income of a resident taxpayer that in another state or in the District of Columbia is subjected to an income tax. The credit provided under division (B)(2) of this section shall not exceed the total amount of tax otherwise due under section 5747.02 of the Revised Code.

(3) If the credit provided under division (B) of this section is affected by a change in either the portion of the combined adjusted gross income and business income of a resident taxpayer subjected to an income tax in another state or the District of Columbia or the amount of income tax liability that has been paid to another state or the District of Columbia, the taxpayer shall report the change to the tax commissioner within ~~sixty~~ ninety days of the change in such form as the commissioner requires.

(a) In the case of an underpayment, the report shall be accompanied by payment of any additional tax due as a result of the reduction in credit together with interest on the additional tax and is a return subject to assessment under section 5747.13 of the Revised Code solely for the purpose of assessing any additional tax due under this division, together

with any applicable penalty and interest. It shall not reopen the computation of the taxpayer's tax liability under this chapter from a previously filed return no longer subject to assessment except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(b) In the case of an overpayment, an application for refund may be filed under this division within the ~~sixty-day~~ ninety-day period prescribed for filing the report even if it is beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall only claim refund of overpayments resulting from an adjustment to the credit allowed by division (B) of this section unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen the computation of the taxpayer's tax liability except to the extent that such liability is affected by an adjustment to the credit allowed by division (B) of this section.

(4) No credit shall be allowed under division (B) of this section:

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax;

(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section; or

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid.

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits.

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the

Revised Code.

(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code:

A.	B.
IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
\$25,000 or less	20%
More than \$25,000 but not more than \$50,000	15%
More than \$50,000 but not more than \$75,000	10%
More than \$75,000	5%

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules.

Sec. 5747.065. (A) If a taxpayer has elected under section 4141.321 of the Revised Code to have the director of job and family services deduct and withhold state income tax from the unemployment compensation benefits payable to the taxpayer, the director shall deduct and withhold such tax at the rate or rates that the director shall prescribe in consultation with the tax commissioner.

(B)(1) The On or before the tenth day of each month, the director of job and family services shall file returns and pay a return electronically with the tax commissioner identifying each taxpayer from whose unemployment compensation amounts were deducted and withheld under this section during the preceding month, the amount of each such deduction and withholding, the amount of the unemployment compensation from which each such amount was withheld, and any other information required by the commissioner. With the return, the director shall remit electronically to the commissioner all the amounts deducted and withheld in accordance with the

~~requirements of section 5747.07 of the Revised Code~~ under this section during the preceding month.

(2) Annually, on or before the thirty-first day of January, the director shall issue an information return to each taxpayer with respect to whom an amount has been deducted and withheld under this section during the preceding calendar year. The information return shall show the total amount deducted from the taxpayer's unemployment compensation benefits during the preceding calendar year and any other information the tax commissioner requires. If the director is required under the Internal Revenue Code to report federal income tax deducted and withheld from unemployment compensation benefits, then the director may report the information required under this section on that report, as authorized by the Internal Revenue Code.

~~(C) Amounts deducted and withheld under this section shall be allowed as a credit against payment of the tax imposed by this chapter and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.~~

~~(D)~~ Failure of the director to deduct and withhold the required amounts from unemployment compensation benefits or to remit amounts withheld as required by this section does not relieve a taxpayer from liability for the tax imposed by section 5747.02 of the Revised Code.

~~(E)~~(D) The director of job and family services may adopt rules as necessary to administer this section.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and

filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section precludes such an investor from filing the annual return under this section, utilizing the refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor under division (I) of this section, and making the

payment of taxes imposed under section 5747.02 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (I) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (F) of section 5747.055 of the Revised Code;

(c) The lump sum distribution credit under division (G) of section 5747.055 of the Revised Code;

(d) The dependent care credit under section 5747.054 of the Revised Code;

(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

(m) The earned income tax credit under section 5747.71 of the Revised Code;

(n) The lead abatement credit under section 5747.26 of the Revised Code;

(o) The credit for education expenses under section 5747.72 of the Revised Code:

(p) The credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the commissioner's findings. Nothing in division (D) of this section shall be construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall

contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the commissioner considers it necessary in order to ensure the payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) ~~The amounts withheld by an employer pursuant to section 5747.06 of the Revised Code, a casino operator pursuant to section, 5747.062, 5747.063 of the Revised Code, or a lottery sales agent pursuant to section, 5747.064, 5747.065, or 5747.071 of the Revised Code shall be allowed to the ultimate recipient of the compensation casino winnings, or lottery prize award income as credits against payment of the appropriate taxes imposed~~

on the ultimate recipient by section 5747.02 and under Chapter 5748. of the Revised Code. As used in this division, "ultimate recipient" means the person who is required to report income from which amounts are withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, 5747.065, or 5747.071 of the Revised Code on the annual return required to be filed under this section.

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

(K) The tax commissioner shall permit individual taxpayers to instruct the department of taxation to cause any refund of overpaid taxes to be deposited directly into a checking account, savings account, or an individual retirement account or individual retirement annuity, or preexisting college savings plan or program account offered by the Ohio tuition trust authority under Chapter 3334. of the Revised Code, as designated by the taxpayer, when the taxpayer files the annual return required by this section

electronically.

~~(L) A taxpayer claiming the deduction under division (A)(31) of section 5747.01 of the Revised Code for a taxable year shall indicate on the taxpayer's return the north American industry classification system code of each business or professional activity from which the taxpayer's business income was derived. The tax commissioner shall provide space on the return for this purpose and shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, the manner by which such a taxpayer shall determine the taxpayer's proper classification codes and business or professional activities from which the taxpayer derives business income.~~

~~(M)~~ The tax commissioner may adopt rules to administer this section.

Sec. 5747.10. (A) As used in this section:

(1) "Audited partnership" means a partnership subject to an examination by the internal revenue service pursuant to subchapter C, chapter 63, subtitle F of the Internal Revenue Code resulting in a federal adjustment.

(2)(a) "Direct investor" means a partner or other investor that holds a direct interest in a pass-through entity.

(b) "Indirect investor" means a partner or other investor that holds an interest in a pass-through entity that itself holds an interest, directly or through another indirect partner or other investor, in a pass-through entity.

(3) "Exempt partner" means a partner that is neither a pass-through entity nor a person subject to the tax imposed by section 5747.02 of the Revised Code.

(4) "Federal adjustment" means a change to an item or amount required to be determined under the Internal Revenue Code that directly or indirectly affects a taxpayer's aggregate tax liability under section 5747.02 or Chapter 5748. of the Revised Code and that results from an action or examination by the internal revenue service, or from the filing of an amended federal tax return, a claim for a federal tax refund, or an administrative adjustment request filed by a partnership under section 6227 of the Internal Revenue Code.

(5) "Federal adjustments return" means the form or other document prescribed by the tax commissioner for use by a taxpayer in reporting final federal adjustments.

(6) "State partnership representative" means either of the following:

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state

partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following:

(a) The day after which the period for appeal of a federal assessment has expired;

(b) The date on a refund check issued by the internal revenue service; or

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement.

(B)(1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ninety days after the federal adjustment has been agreed to or finally determined for federal income tax purposes.

(2) "One hundred eighty" shall be substituted for "ninety" in divisions (B)(1) and (E)(1) of this section if, for any taxable year, the final federal adjustment results from taxes paid by the taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of section 5747.01 of the Revised Code.

(C) Except for adjustments required to be reported for federal purposes pursuant to section 6225(a)(2) of the Internal Revenue Code and adjustments that are taken into account on a federal amended return or similar report filed pursuant to section 6225(c)(2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section.

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment

is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section 5747.08, of the Revised Code with respect to those direct investors had the final federal adjustments been reported properly on the original filing.

(b) Each direct investor that is subject to the tax imposed by section 5747.02 of the Revised Code shall file an original or amended tax return to include the investor's distributive share of the adjustments reported to the direct investor under division (C)(2)(a) of this section, and pay any additional tax due, within ninety days after the audited partnership files its federal adjustments return with the commissioner.

(c)(i) Each direct and indirect investor of an audited partnership that is a pass-through entity and all investors in such a pass-through entity that are subject to the filing and payment requirements of Chapters 5733. and 5747. of the Revised Code are subject to the reporting and payment requirements of division (C)(2) or, upon a timely election, division (C)(3) of this section.

(ii) Such direct and indirect investors shall make the required returns and payments within ninety days after the deadline for filing and furnishing statements under section 6226(b)(4) of the Internal Revenue Code and applicable treasury regulations.

(3) If an audited partnership makes the election under this division, the audited partnership, through its state partnership representative, shall do all of the following within ninety days after all federal adjustments are final:

(a) File a federal adjustments return with the tax commissioner indicating the partnership has made the election under division (C)(3) of this section;

(b) Pay the amount of combined additional tax due under division (D)(2) of this section, calculated by multiplying the highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:

(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;

(ii) The distributive share of the final federal adjustments for each

investor who is a resident taxpayer.

(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section.

(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section.

(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C)(3)(b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.

(ii) Notwithstanding division (C)(4)(b)(i) of this section, an exempt partner, whether a direct or indirect investor, may file an application for refund of its proportionate share of the amounts erroneously paid by the audited partnership pursuant to division (C)(3)(b) of this section on the exempt partner's behalf.

(5) Upon request by an audited partnership, the tax commissioner may agree, in writing, to allow an alternative method of reporting and payment than required by ~~divisions~~ division (C)(2) or (3) of this section. The request must be submitted to the commissioner in writing before the applicable deadline for filing a return under division (C)(2)(a) or (3) of this section. The commissioner's decision on whether to enter into an agreement under this division is not subject to further administrative review or appeal.

(6) Nothing in division (C) of this section precludes either of the following:

(a) A resident taxpayer from filing a return to claim the credit under division (B) of section 5747.05 or division (D)(2) of section 5747.02 of the Revised Code based upon any amounts paid by the audited partnership on such investor's behalf to another state.

(b) The tax commissioner from issuing an assessment under this chapter against any direct or indirect investor for taxes due from the investor if an audited partnership, or direct and indirect investor of an audited partnership that is a pass-through entity, fails to timely file any return or remit any payment required by this section or underreports income or underpays tax

on behalf of an indirect investor who is a resident taxpayer.

(D) In the case of an underpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) The taxpayer's amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return.

(2) The audited partnership's federal adjustments return shall be accompanied by payment of any combined additional tax due together with interest thereon. The federal adjustments return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the final federal adjustment.

(3) The tax commissioner may accept estimated payments of the tax arising from pending federal adjustments before the date for filing a federal adjustments return. The commissioner may adopt rules for the payment of such estimated taxes.

(E) In the case of an overpayment, and unless otherwise agreed to in writing by the tax commissioner:

(1) A taxpayer may file an application for refund under this division within the ninety-day period prescribed for filing the amended return even if it is filed beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the final federal adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.

(2)(a) Except as otherwise provided in division (E)(2)(b) of this section,

an audited partnership may file an application for a refund under this division within the ninety-day period prescribed for filing the federal adjustments return, even if it is filed beyond the period prescribed by section 5747.11 of the Revised Code, if it otherwise conforms to the requirements of that section. An application filed under this division may claim a refund of overpayments resulting only from final federal adjustments unless it is also filed within the time prescribed by section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either directly or indirectly, by the federal adjustment.

(b) An audited partnership may not file an application for refund under division (E) of this section based on final federal adjustments described in section 6225(a)(2) of the Internal Revenue Code.

(3) Any refund granted to a pass-through entity filing an application for refund under division (E) of this section shall be reduced by amounts previously claimed as a credit under section 5747.059 or division (I) of section 5747.08 of the Revised Code by the pass-through entity's direct or indirect investors.

(F) Excluding the deadline in division (C)(2)(c)(ii) of this section, an audited partnership, or a direct or indirect investor of an audited partnership that is a pass-through entity, may automatically extend the deadline for reporting, payments, and refunds under this section by sixty days if the entity has ten thousand or more direct investors and notifies the commissioner of such extension, in writing, before the unextended deadline.

Sec. 5747.72. (A) As used in this section:

(1) "Qualifying taxpayer" means a taxpayer that is an individual with a dependent who is a qualifying student.

(2) "Qualifying student" means a student who was excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code for the school year.

(3) "Education expenses" means expenses or fees for any of the following items used directly for home instruction of a qualifying student: books, supplementary materials, supplies, computer software, applications, or subscriptions. "Education expenses" does not include expenses or fees for computers or similar electronic devices or accessories thereto.

(B) There is hereby allowed a nonrefundable credit against a qualifying taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to the lesser of two hundred fifty dollars or the amount of education expenses incurred by the taxpayer in the taxable year for the benefit of one or more of the taxpayer's qualifying students. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

The tax commissioner may request that a qualifying taxpayer claiming a credit under this section furnish information as is necessary to support the claim for the credit under this section, and no credit shall be allowed unless the requested information is provided.

Sec. 5747.73. (A) As used in this section, "scholarship granting organization" means an entity that is certified as such by the attorney general under division (C) of this section.

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that donates cash to scholarship granting organizations during the taxable year. The credit shall equal the amount of cash donations, except that the credit shall not exceed, for any taxable year, seven hundred fifty dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all such investors may not exceed seven hundred fifty dollars for any taxable year.

The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed unless a copy of such document or other required information is provided.

(C) An entity may apply to the attorney general, on forms and in the manner prescribed by the attorney general, to be certified so that contributions to the entity qualify for the tax credit authorized under this section. The attorney general shall certify an entity as a scholarship granting organization if the entity submits information and documentation, to the attorney general's satisfaction, establishing that the entity satisfies the following:

(1) It is a religious or nonreligious nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code.

(2) It primarily awards academic scholarships for primary and

secondary school students.

(3) It prioritizes awarding its scholarships to low-income primary and secondary school students.

The attorney general shall notify the applicant of the attorney general's determination within thirty days after the attorney general receives the application. The attorney general shall maintain a list of all scholarship granting organizations. As soon as is practicable after compiling or updating this list, the attorney general shall furnish the list to the tax commissioner, who shall post the list or updated list to the department of taxation's web site.

The attorney general shall adopt rules necessary to determine eligibility for and administer the credit authorized under this section.

Sec. 5747.75. A nonrefundable credit is allowed against a taxpayer's aggregate liability under section 5747.02 of the Revised Code for taxpayers with one or more dependents who attend a nonchartered nonpublic school. To qualify for the credit, the total federal adjusted gross income of the taxpayer and, if filing a joint return, the taxpayer's spouse for the taxable year must be less than one hundred thousand dollars. The amount of the credit shall equal the lesser of the total tuition paid by the taxpayer and, if filing a joint return, the taxpayer's spouse during the taxable year for all of the taxpayer's dependents to attend such a school or the following amount, as applicable:

(A) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total income is less than fifty thousand dollars for the taxable year, five hundred dollars;

(B) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total income equals or exceeds fifty thousand dollars but is less than one hundred thousand dollars for the taxable year, one thousand dollars.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

Sec. 5747.79. (A) As used in this section and division (A)(34) of section 5747.01 of the Revised Code:

(1) "Qualifying capital gain" means a capital gain from the sale of an interest in an entity reported for the taxable year to the internal revenue service pursuant to the Internal Revenue Code, to the extent that such capital gain is not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, provided that all of the following apply:

(a) The taxpayer that sold the interest either:

(i) Materially participated in the activities of the entity for the five years immediately preceding the time of sale. For the purposes of this division, a taxpayer materially participates in the activities of the entity if the taxpayer meets the requirements of divisions (a)(1), (2), (3), (4), or (7) of 26 C.F.R. 1.469-5T.

(ii) Directly or indirectly made a venture capital investment of at least one million dollars in the entity. As used in this division, "venture capital investment" has the same meaning as in division (d)(3) of 29 C.F.R. 2510.3-101.

(b) The entity is incorporated, registered, or organized in this state during the five years immediately preceding the time of sale.

(c) The entity is headquartered in this state during the five years immediately preceding the time of sale.

(2) A "sale of an interest in an entity" includes the sale, exchange, or other disposition of stock, a membership interest, or any other equity or ownership interest, owned directly or indirectly by the taxpayer, in an entity that conducts a trade or business in this state.

(3) "Qualifying payroll" means the amount of compensation used to determine the withholding obligations in division (A) of section 5747.06 of the Revised Code and paid over one of the following periods by the entity whose sale generated the qualifying capital gain:

(a) The five calendar years immediately preceding the time of sale for a taxpayer described in division (A)(1)(a)(i) of this section;

(b) The investment period, not to exceed the five calendar years, immediately preceding the time of sale for a taxpayer described in division (A)(1)(a)(ii) of this section.

"Qualifying payroll" does not include any amounts paid to the taxpayer, or the taxpayer's spouse, parents, grandparents, children, or grandchildren.

(4) "Deductible payroll" means the qualifying payroll of the entity in which a taxpayer sold an ownership interest multiplied by the percentage of the interest in the entity the taxpayer sold.

(B) In computing Ohio adjusted gross income for taxable years beginning in or after 2026, a deduction from federal adjusted gross income is allowed to a taxpayer that realizes a qualifying capital gain during the taxable year. The deduction shall equal the lesser of the taxpayer's qualifying capital gain or the deductible payroll.

(C) If a taxpayer has multiple capital gains from the sale of interests in different entities during the taxable year, the following apply:

(1) Each capital gain must meet the requirements of divisions (A)(1)(a) to (c) of this section to be classified as a qualifying capital gain.

(2) The deduction shall equal the lesser of the taxpayer's qualifying capital gain from the sale of each entity or the deductible payroll attributable to that entity. The deduction amounts related to each entity shall then be aggregated to determine the total deduction allowed.

(D) On request of the tax commissioner, the taxpayer shall provide any information that, in the commissioner's opinion, is necessary to establish the amount deducted under division (A)(34) of section 5747.01 of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The campaign contribution credit under section 5747.29 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (G) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The credit for adoption of a minor child under section 5747.37 of the Revised Code;

The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

The enterprise zone credit under section 5709.66 of the Revised Code;

The credit for purchases of qualifying grape production property under

section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81 of the Revised Code;

The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

The opportunity zone investment credit under section 122.84 of the Revised Code;

The enterprise zone credits under section 5709.65 of the Revised Code;

The research and development credit under section 5747.331 of the Revised Code;

The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The nonresident credit under division (A) of section 5747.05 of the Revised Code;

The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of

individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for federal income tax purposes, and any other entities.

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section

5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more

assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration.

(1) The following are examples of gross receipts:

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;

(b) Amounts realized from the taxpayer's performance of services for another;

(c) Amounts realized from another's use or possession of the taxpayer's property or capital;

(d) Any combination of the foregoing amounts.

(2) "Gross receipts" excludes the following amounts:

(a) Interest income except interest on credit sales;

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;

(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of

exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance premiums, or employee expenses, or on account of a dependent care spending account, legal services plan, any cafeteria plan described in section 125 of the Internal Revenue Code, or any similar employee reimbursement;

(h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;

(i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;

(j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; and payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;

(k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;

(l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;

(m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;

(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to

another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(w) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code.

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg) Qualified uranium receipts as determined under section 5751.41 of the Revised Code.

(hh) In the case of amounts collected by a licensed casino operator from casino gaming, amounts in excess of the casino operator's gross casino revenue. In this division, "casino operator" and "casino gaming" have the meanings defined in section 3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state.

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code.

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section

5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code.

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan.

(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code.

(oo) Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state, provided the supplier holds a certificate issued under section 5751.052 of the Revised Code for the calendar year in which the sales are made, and provided both the operator and supplier hold a certificate issued under division (D)(7) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

- (1) Owns or uses a part or all of its capital in this state;
- (2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;
- (3) Has bright-line presence in this state;
- (4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal

income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.

(S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in,

gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the gross receipts and is not a tax imposed directly on a purchaser. The tax imposed by this section is an annual privilege tax for the calendar year that, in the case of calendar year taxpayers, is the annual tax period and, in the case of calendar quarter taxpayers, contains all quarterly tax periods in the calendar year. A taxpayer is subject to the annual privilege tax for doing business during any portion of such calendar year.

(B) The tax imposed by this section is a tax on the taxpayer and shall not be billed or invoiced to another person. Even if the tax or any portion thereof is billed or invoiced and separately stated, such amounts remain part of the price for purposes of the sales and use taxes levied under Chapters 5739. and 5741. of the Revised Code. Nothing in division (B) of this section prohibits:

(1) A person from including in the price charged for a good or service an amount sufficient to recover the tax imposed by this section; or

(2) A lessor from including an amount sufficient to recover the tax imposed by this section in a lease payment charged, or from including such an amount on a billing or invoice pursuant to the terms of a written lease agreement providing for the recovery of the lessor's tax costs. The recovery of such costs shall be based on an estimate of the total tax cost of the lessor during the tax period, as the tax liability of the lessor cannot be calculated until the end of that period.

(C)(1) The commercial activities tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed under this chapter. ~~Sixty-five one-hundredths~~ One-half of one per cent of the money credited to that fund shall be credited to the revenue enhancement fund and shall be used to defray the costs incurred by the department of taxation in administering the tax imposed by this chapter and in implementing tax reform measures. The remainder of the money in the commercial activities tax receipts fund shall first be credited to the commercial activity tax motor fuel receipts fund, pursuant to division (C)(2) of this section, and the remainder shall be credited in the following percentages each fiscal year to the general revenue fund, to the school district tangible property tax replacement fund, which is hereby created in

the state treasury for the purpose of making the payments described in section 5709.92 of the Revised Code, and to the local government tangible property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5709.93 of the Revised Code, in the following percentages:

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund
2014 and 2015	50.0%	35.0%	15.0%
2016 and 2017	75.0%	20.0%	5.0%
2018 and thereafter	85.0%	13.0%	2.0%

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the director of

budget and management may transfer any balance in the school district tangible property tax replacement fund to the general revenue fund.

(2) On or after the first day of June of each year, the director of budget and management may transfer any balance in the local government tangible property tax replacement fund to the general revenue fund.

(F)(1) There is hereby created in the state treasury the commercial activity tax motor fuel receipts fund.

(2) On or before the fifteenth day of June of each fiscal year beginning with fiscal year 2015, the director of the Ohio public works commission shall certify to the director of budget and management the amount of debt service paid from the general revenue fund in the current fiscal year on bonds issued to finance or assist in the financing of the cost of local subdivision public infrastructure capital improvement projects, as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, that are attributable to costs for construction, reconstruction, maintenance, or repair of public highways and bridges and other statutory highway purposes. That certification shall allocate the total amount of debt service paid from the general revenue fund and attributable to those costs in the current fiscal year according to the applicable section of the Ohio Constitution under which the bonds were originally issued.

(3) On or before the thirtieth day of June of each fiscal year beginning with fiscal year 2015, the director of budget and management shall determine an amount up to but not exceeding the amount certified under division (F)(2) of this section and shall reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

Sec. 5751.03. (A) Except as provided in division (B) of this section, the tax levied under this section for each tax period shall be the product of two and six-tenths mills per dollar times the remainder of the taxpayer's taxable gross receipts for the tax period after subtracting the exclusion amount provided for in division (C) of this section.

(B) Notwithstanding division (C) of this section, the tax on the first one million dollars in taxable gross receipts each calendar year shall be calculated as follows:

(1) For taxpayers with annual taxable gross receipts of one million

dollars or less for the immediately preceding calendar year, one hundred fifty dollars;

(2) For taxpayers with annual taxable gross receipts greater than one million dollars, but less than or equal to two million dollars for the immediately preceding calendar year, eight hundred dollars;

(3) For taxpayers with annual taxable gross receipts greater than two million dollars, but less than or equal to four million dollars for the immediately preceding calendar year, two thousand one hundred dollars;

(4) For taxpayers with annual taxable gross receipts greater than four million dollars for the immediately preceding calendar year, two thousand six hundred dollars.

The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.

(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.

(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the full one-million-dollar exclusion amount to the first calendar quarter return the taxpayer files that calendar year. Such taxpayers may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year. The tax rate shall be based on the rate imposed that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.

(3) A taxpayer shall not exclude more than one million dollars pursuant to division (C) of this section in a calendar year.

Sec. 5751.052. (A) On or before the first day of October of each year, a megaproject operator or the operator's reporting person shall certify to the tax commissioner a list of megaproject suppliers the operator anticipates will sell tangible personal property directly to the operator in the ensuing calendar year. The list shall include the name, address, and federal identification number of each megaproject supplier. On or before the first day of the following November, the commissioner shall issue a certificate to the megaproject operator and to each megaproject supplier included in that

list. The certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date.

(B) A megaproject operator or reporting person that certifies a list to the tax commissioner under division (A) of this section shall notify the commissioner of any change to that list, including additions to or subtractions from the list or changes in the name or entity type of any megaproject supplier included in the list, within sixty days after the date the operator becomes aware of the change. Within thirty days after receiving that notification, the commissioner shall issue a revised certificate to the megaproject operator and to each megaproject supplier included in the revised list. The revised certificate shall include the name of the megaproject operator, the name of the megaproject supplier, and the certificate's issuance date, which shall be the date the revision becomes effective.

(C) Each megaproject operator and megaproject supplier that is issued a certificate under division (A) or (B) of this section shall maintain a copy of the certificate for four years from the date the certificate is issued.

Sec. 5751.091. (A) If a taxpayer excludes from its taxable gross receipts amounts described under division (F)(2)(oo) of section 5751.01 of the Revised Code for a tax period in which the taxpayer does not qualify for that exclusion for any portion of that tax period, the taxpayer shall remit to the tax commissioner a payment equal to the product of the following: (a) the cost of all property received in this state by a megaproject operator from the taxpayer during that tax period, multiplied by (b) the tax rate prescribed in division (A) of section 5751.03 of the Revised Code. The charge shall be levied and collected as a tax imposed under this chapter.

(B) A taxpayer required to remit a payment under division (A) of this section for three consecutive calendar years may not exclude from the taxpayer's taxable gross receipts any amounts described in division (F)(2)(oo) of section 5751.01 of the Revised Code for any tax period in any following calendar year.

Sec. 5751.40. (A) As used in this section and division (F)(2)(z) of section 5751.01 of the Revised Code:

(1) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage. If the qualified distribution center is a refining facility, "supplier" includes all dealers, brokers, processors, sellers, vendors, cosigners, and distributors of qualified property.

(2) "Qualified property" means tangible personal property delivered to a

qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere or, in the case of gold, silver, platinum, or palladium delivered to a refining facility solely for refining to a grade and fineness acceptable for delivery to a registered commodities exchange. "Further shipping" includes storing and repackaging property into smaller or larger bundles, so long as the property is not subject to further manufacturing or processing. "Refining" is limited to extracting impurities from gold, silver, platinum, or palladium through smelting or some other process at a refining facility.

(3) "Qualified distribution center" means a warehouse, a facility similar to a warehouse, or a refining facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. All warehouses or facilities similar to warehouses that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center. All refining facilities that are operated by persons in the same taxpayer group and that are located in the same or adjacent counties may be treated as one qualified distribution center.

(4) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(5) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the thirtieth day of June of the year preceding the qualifying year.

(6) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application with the commissioner under division (B) of this section.

(7) "Ohio delivery percentage" means the proportion of the total property delivered to a destination inside Ohio from the qualified distribution center during the qualifying period compared with total deliveries from such distribution center everywhere during the qualifying period.

(8) "Refining facility" means one or more buildings located in a county in the Appalachian region of this state as defined by section 107.21 of the Revised Code and utilized for refining or smelting gold, silver, platinum, or palladium to a grade and fineness acceptable for delivery to a registered commodities exchange.

(9) "Registered commodities exchange" means a board of trade, such as New York mercantile exchange, inc. or commodity exchange, inc., designated as a contract market by the commodity futures trading

commission under the "Commodity Exchange Act," 7 U.S.C. 1 et seq., as amended.

(10) "Ineligible operator's supplier tax liability" means an amount equal to the tax liability of all suppliers of a distribution center had the distribution center not been issued a qualifying certificate for the qualifying year. Ineligible operator's supplier tax liability shall not include interest or penalties.

(B) For purposes of division (B) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.

(1) An application for a qualifying certificate to be a qualified distribution center shall be filed, and an annual fee paid, for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later. The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period.

The commissioner may require an applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate effective for the remainder of the qualifying year or until the appeal is finalized, whichever is earlier. If the operator does not prevail in the appeal, the operator shall pay the ineligible operator's supplier tax liability.

(2) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033

of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall pay the ineligible operator's supplier tax liability.

(3) The commissioner may grant a qualifying certificate to a distribution center that does not qualify as a qualified distribution center for an entire qualifying period if the operator of the distribution center demonstrates that the business operations of the distribution center have changed or will change such that the distribution center will qualify as a qualified distribution center within thirty-six months after the date the operator first applies for a certificate. If, at the end of that thirty-six-month period, the business operations of the distribution center have not changed such that the distribution center qualifies as a qualified distribution center, the operator of the distribution center shall pay the ineligible operator's supplier tax liability for each year that the distribution center received a certificate but did not qualify as a qualified distribution center. For each year the distribution center receives a certificate under division (B)(3) of this section, the distribution center shall pay all applicable fees required under this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division ~~(B)(1)~~(B)(2) or ~~(2)~~(3) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.

(C)(1) When filing an application for a qualifying certificate under division (B)(1) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (B)(1) of this section.

(2) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next

application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (C)(1) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(3) The operator of a distribution center that receives a qualifying certificate under division (B)(3) of this section shall make a good faith estimate of the Ohio delivery percentage that the operator estimates will apply to the distribution center at the end of the thirty-six-month period after the operator first applied for a qualifying certificate under that division. The result of the estimate shall be multiplied by a factor of one and seventy-five one-hundredths. The product of that calculation shall be the Ohio delivery percentage used by suppliers in their reports of taxable gross receipts for each qualifying year that the distribution center receives a qualifying certificate under division (B)(3) of this section, except that, if the product is less than five per cent, the Ohio delivery percentage used shall be five per cent and that, if the product exceeds forty-nine per cent, the Ohio delivery percentage used shall be forty-nine per cent.

(D) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this section shall not be subject to tax on the qualifying distribution center receipts under this section and division (F)(2)(z) of section 5751.01 of the Revised Code. An operator receiving a qualifying certificate is liable for the ineligible operator's supplier tax liability for each year the operator received a certificate but did not qualify as a qualified distribution center.

(E) The tax commissioner shall determine an ineligible operator's supplier tax liability based on information that the commissioner may request from the operator of the distribution center. An operator shall provide a list of all suppliers of the distribution center and the corresponding costs of qualified property for the qualifying year at issue within sixty days of a request by the commissioner under this division.

(F) The annual fee for a qualifying certificate shall be one hundred thousand dollars for each qualified distribution center. If a qualifying

certificate is not issued, the annual fee is subject to refund after the exhaustion of all appeals provided for in division (B)(1) of this section. The first one hundred thousand dollars of the annual application fees collected each calendar year shall be credited to the revenue enhancement fund. The remainder of the annual application fees collected shall be distributed in the same manner required under section 5751.20 of the Revised Code.

(G) The tax commissioner may require that adequate security be posted by the operator of the distribution center on appeal when the commissioner disagrees that the applicant has met the minimum thresholds for a qualified distribution center as set forth in this section.

Sec. 5902.09. (A) As used in this section, ~~"AMVETS" means the American Veterans of World War II (AMVETS), Department of Ohio;~~

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data, at the time of each treatment, using a pre- and post-TMS EEG.

"First responder" has the meaning defined in section 2903.01 of the Revised Code.

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The directors of veterans services and mental health and addiction services shall establish a pilot program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, and law enforcement officers with substance use disorders or, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues ~~and shall operate the program for three years~~ identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section.

(C) The directors by mutual agreement shall choose a location for the pilot program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the pilot program. A branch site may be a mobile unit or an EEG combined neuromodulation portable unit if the directors determine that mobile units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create, ~~implement, operate and conduct a clinical trial, and~~ to establish and operate a clinical practice, to evaluate outcomes of the pilot program clinical trial and the clinical practice, to choose a location for the pilot program, to expend payments

received from the state as needed for purposes of the program, and to report quarterly regarding the pilot program to the president of the senate and to the standing committee of the senate that generally considers legislation regarding veterans affairs.

(D) There is the electroencephalogram (EEG) combined transcranial magnetic stimulation fund in the state treasury. It shall consist of moneys appropriated to it by the general assembly. The directors, with the approval of the controlling board, may authorize a disbursement from the fund for services rendered under the contract.

(E) One or both of the directors shall adopt rules under Chapter 119. of the Revised Code as necessary to administer this section, ~~including a~~.

(F) The supplier, in conducting the clinical trial and in operating the clinical practice, shall adhere to all of the following:

(1) The United States food and drug administration regulations governing the conduct of clinical practice and clinical trials;

(2) A peer-to-peer support network shall be made available by the supplier to any individual receiving treatment under the program.

(3) The program protocol shall use adapted stimulation frequency and intensity modulation based on EEG and motor threshold testing as well as clinical symptoms and signs, and biometrics.

(4) Each individual who receives treatment under the program also shall receive pre- and post-neurophysiological monitoring, with EEG and autonomic nervous systems assessments, daily checklists of symptoms of alcohol, opioid, or other substance use, and weekly medical counseling and wellness programming, and also shall participate in the peer-to-peer support network established by the supplier.

(5) ~~rule requiring that clinical~~ Clinical protocols and outcomes ~~are of the~~ clinical trial, and of any treatment provided by the clinical practice, shall be collected and reported quarterly in a report provided by the supplier. ~~The to~~ the directors of veterans services and mental health and addiction services and to the United States food and drug administration.

(6) Any individual who receives treatment at the clinical practice shall be eligible for a minimum of two electroencephalograms during the course of the individual's treatment.

(7) The report ~~shall also~~ required by this section shall include a thorough accounting of the use and expenditure of all funds received from the state under this section.

~~(F)~~(G) Contracts entered into under this section are subject to section 9.231 and Chapter 125. of the Revised Code.

Sec. 5919.34. (A) As used in this section:

(1) "Academic term" means any one of the following:

(a) Fall term, which consists of fall semester or fall quarter, as appropriate;

(b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;

(c) Spring term, which consists of spring quarter;

(d) Summer term, which consists of summer semester or summer quarter, as appropriate.

(2) "Eligible applicant" means any individual to whom all of the following apply:

(a) The individual does not possess a baccalaureate degree.

(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.

(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, ~~or~~ in a diploma-granting program at a state or private institution of higher education that is a school of nursing, or in a credential-certifying program, licensing program, trade certification program, or apprenticeship program for an in-demand occupation as identified by the adjutant general and the chancellor of higher education, in consultation with the governor's office of workforce transformation.

(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.

(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the

Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C)(1) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(2) The adjutant general shall develop and provide a written explanation that informs all eligible scholarship recipients that the recipient may become ineligible and liable for repayment for an amount of scholarship payments received in accordance with division (G) of this section. The written explanation shall be reviewed by the scholarship recipient before acceptance of the scholarship and before acceptance of an enlistment, warrant, commission, or appointment for a term not less than the recipient's remaining term in the national guard or in the active duty component of the United States armed forces.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges;

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities;

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor ~~of higher education~~ may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses.

(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).

(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section.

(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table:

Number of credit hours of enrollment in an academic term	equals	The following number of eligibility units if a semester	or	The following number of eligibility units if a quarter
12 or more hours		12 units		8 units
9 but less than 12		9 units		6 units
6 but less than 9		6 units		4 units
3 but less than 6		3 units		2 units

(2) A scholarship recipient under this section may continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units.

(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that

person for that academic term. Except as provided in division (F)(3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid.

(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.

(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.

(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:

(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state.

(b) The adjutant general shall add to that individual's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid if the institution of higher education agrees to permit the individual to complete the remainder of the academic courses in which the individual

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was enrolled at the time the individual was called into active duty.

(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division.

(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard.

The attorney general may commence a civil action on behalf of the chancellor to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability.

(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual full-time or part-time enrollment of each scholarship recipient listed as enrolled at the institution and return the roster to the adjutant general and the chancellor. Except as provided in division (J) of this section, the chancellor shall provide for payment of the appropriate number and amount of scholarships to each institution of higher education pursuant to division (D) of this section. If an institution of higher education fails to certify the actual enrollment of a scholarship recipient listed as enrolled at the institution within thirty days of the end of an academic term, the institution shall not be eligible to receive payment from the Ohio national guard scholarship program or from the individual enrollee. The adjutant general shall report on a semiannual basis to the director of budget and management, the speaker of the house of representatives, the president of the senate, and the chancellor the number of Ohio national guard scholarship recipients, the size of the scholarship-eligible population, and a projection of the cost of the

program for the remainder of the biennium.

(I) The chancellor and the adjutant general may adopt rules pursuant to Chapter 119. of the Revised Code governing the administration and fiscal management of the Ohio national guard scholarship program and the procedure by which the chancellor and the department of the adjutant general may modify the amount of scholarships a member receives based on the amount of other state financial aid a member receives.

(J) The adjutant general, the chancellor, and the director, or their designees, shall jointly estimate the costs of the Ohio national guard scholarship program for each upcoming fiscal biennium, and shall report that estimate prior to the beginning of the fiscal biennium to the chairpersons of the finance committees in the general assembly. During each fiscal year of the biennium, the adjutant general, the chancellor, and the director, or their designees, shall meet regularly to monitor the actual costs of the Ohio national guard scholarship program and update cost projections for the remainder of the biennium as necessary. If the amounts appropriated for the Ohio national guard scholarship program and any funds in the Ohio national guard scholarship reserve fund and the Ohio national guard scholarship donation fund are not adequate to provide scholarships in the amounts specified in division (D)(1) of this section for all eligible applicants, the chancellor shall do all of the following:

(1) Notify each private institution of higher education, where a scholarship recipient is enrolled, that, by accepting the Ohio national guard scholarship program as payment for all or part of the institution's tuition, the institution agrees that if the chancellor reduces the amount of each scholarship, the institution shall provide each scholarship recipient a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(2) Reduce the amount of each scholarship under division (D)(1)(a) of this section proportionally based on the amount of remaining available funds. Each state institution of higher education shall provide each scholarship recipient under division (D)(1)(a) of this section a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(K) Notwithstanding division (A) of section 127.14 of the Revised Code, the controlling board shall not transfer all or part of any appropriation for the Ohio national guard scholarship program.

(L) The chancellor and the adjutant general may apply for, and may receive and accept grants, and may receive and accept gifts, bequests, and contributions, from public and private sources, including agencies and

instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the national guard scholarship donation fund.

Sec. 6101.48. After the conservancy appraisal record as approved by the court, or that part of it from which no appeal is pending, has been filed with the secretary of the conservancy district as provided in section 6101.37 of the Revised Code, from time to time, as the affairs of the district demand it, the board of directors of the conservancy district shall levy on all real property and on all public corporations, upon which benefits have been appraised, an assessment of the portion of the benefits that is found necessary by the board to pay the cost of the execution of the official plan, including superintendence of construction and administration, plus one-ninth of that total to be added for contingencies, but not to exceed in the total of principal the appraised benefits so adjudicated.

The assessment shall be apportioned to and levied on each tract of land or other property and each public corporation in the district in proportion to the benefits appraised, and not in excess of the benefits appraised. Interest at a rate not to exceed the rate provided in section 9.95 of the Revised Code, payable semiannually, shall be included in and added to the assessment, but the interest shall not be considered as a part of the cost in determining whether or not the expenses and costs of making the improvement are equal to or in excess of the benefits appraised.

After the assessment is levied, the board shall report it to the court for confirmation. Upon the entry of the order of the court confirming the assessment, the clerk of the court shall transmit a certified copy of the order to the governing or taxing body of each political subdivision assessed, and the governing or taxing body shall receive and file the order. Thereafter, the board may order the issuance of notes in an amount not exceeding ninety per cent of the assessment in anticipation of the collection of the assessment.

After the court has confirmed the assessment, the secretary of the conservancy district, at the expense of the district, shall prepare an assessment record named "Conservancy Assessment Record of District." It shall contain a notation of the items of property appraised and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation. If successive levies of assessment are made for the execution of the official plan and the acquisition or construction of improvements, the conservancy assessment record shall contain suitable notations to show the number of levies and the amount of each, to the end that the conservancy assessment

record may disclose the aggregate of all such levies made up to that time.

Upon the completion of the conservancy assessment record, it shall be signed and certified by the president of the board and by the secretary of the conservancy district and placed on file and shall become a permanent record in the office of the district. After the expiration of the thirty-day period for the payment of assessments as provided by section 6101.49 of the Revised Code, a copy of that part of the conservancy assessment record affecting lands or public corporations in any county shall be filed with the county auditor of the county.

If it is found at any time that the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan or of additional work done, the board may make an additional levy to provide funds to complete the work, provided the total of all levies of the assessment exclusive of interest does not exceed the total of benefits appraised.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

Sec. 6101.53. To maintain, operate, and preserve the reservoirs, ditches, drains, dams, levies, canals, sewers, pumping stations, treatment and disposal works, or other properties or improvements acquired or made pursuant to this chapter, to strengthen, repair, and restore the same, when needed, and to defray the current expenses of the conservancy district, the board of directors of the district may, upon the substantial completion of the improvements and on or before the thirtieth day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon each public corporation within the district, subject to assessments under this chapter, to be known as a conservancy maintenance assessment. No assessment shall be made with respect to works and improvements acquired or constructed for the purpose of providing a water supply for domestic, industrial, and public use within the district, when the water supply can be metered or measured when furnished to persons or public corporations. If the district, for the benefit of one or more persons or political subdivisions, provides a water supply that recharges underground aquifers and thereby replenishes wells or provides a source of water for new wells, or increases the natural low flow of a stream used for water supply, or creates an impoundment, in such a way that the augmented use of water cannot be metered or measured for individual or public consumption, the board may

make a maintenance assessment against benefited property and public corporations in the same manner provided in this section for maintenance of other properties or improvements.

The maintenance assessment shall be apportioned upon the basis of the total appraisal of benefits accruing for original and subsequent construction, shall not exceed one per cent of the total appraisal of benefits in any one year unless the court by its order authorizes an assessment of a larger percentage, shall not be less than two dollars, and shall be certified to the county auditor of each county in which lands of the district are located in the conservancy assessment record but in a separate column in like manner and at the same time as the annual installment of the assessment levied under section 6101.48 of the Revised Code is certified, under the heading maintenance assessment. The auditor shall certify the same to the county treasurer of the county at the same time that the auditor certifies the annual installment of the assessments levied under that section, and the sum of the levies for any tract or public corporation may be certified as a single item. The treasurer shall demand and collect the maintenance assessment and make return of it, and shall be liable for the same penalties for failure to do so as are provided for the annual installment of the assessment levied under section 6101.48 of the Revised Code.

The amount of the maintenance assessment paid by any parcel of land or public corporation shall not be credited against the benefits assessed against the parcel of land or public corporation, but the maintenance assessment shall be in addition to any assessment that has been or can be levied under section 6101.48 of the Revised Code.

To maintain, operate, and preserve the works and improvements of the district acquired or constructed for the purpose of providing a water supply, to strengthen, repair, and restore the same, and to defray the current expenses of the district for this purpose, the board may impose rates for the sale of water to public corporations and persons within the district. The rates to be charged for the water shall be fixed and adjusted by the board at intervals of not less than one year, so that the income thus produced will be adequate to provide a maintenance fund for the purpose of water supply. Contracts for supplying water to public corporations and persons shall be entered into before the service is rendered by the district. Contracts shall specify the maximum quantity of water to be furnished to the public corporation or person, and the quantity shall be fixed so as equitably to distribute the supply. Preference shall be given to water supply furnished to public corporations for domestic and public uses. Bills for water supplied to public corporations shall be rendered at regular intervals and shall be

payable from the waterworks fund of the public corporation or, if it is not sufficient, from the general fund.

For tax years 2020 to 2024, qualifying real property, as defined in section 727.031 of the Revised Code, is exempt from special assessments levied under this section, provided no delinquent special assessments and related interest and penalties are levied or assessed against any property owned by the owner and operator of the qualifying real property for that tax year.

Sec. 6109.121. (A) ~~Not later than one hundred twenty days after the effective date of this section, the~~ The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Require the owner or operator of a community or nontransient noncommunity water system to conduct sampling of the system for lead and copper;

(2) Establish a schedule for lead and copper sampling applicable to the owner or operator of a community or nontransient noncommunity water system that, at a minimum, does both of the following:

(a) Allows the director, in establishing the schedule, to consider the following factors when determining if a community or nontransient noncommunity water system must conduct sampling at least once annually:

(i) The age of the water system;

(ii) Whether corrosion control requirements are met;

(iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;

(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

- (a) The system changes or adds a source from which water is obtained.
 - (b) The system makes a substantial change in water treatment.
 - (c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.
 - (d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.
- (7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate circumstances;
- (8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;
- (9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;
- (10) Establish a lead threshold for individual taps;
- (11) Establish and revise content for public education materials;
- (12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division (C)(A)(15) of this section;
- (13) ~~Notwithstanding section 6109.23 of the Revised Code, establish the following~~ Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions (C)(1)(A)(15)(b) and (C)(3)(a)(c)(i) of this section that are applicable to a community or nontransient noncommunity water system.;
- ~~(a) For a violation of division (C)(1) of this section by a system that serves not less than twenty five people, but not more than three thousand three hundred people, an administrative penalty of twenty five dollars per day for each day that the system failed to provide each notice;~~
 - ~~(b) For a violation of division (C)(1) of this section by a system that~~

~~serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of fifty dollars per day for each day that the system failed to provide each notice;~~

~~(e) For a violation of division (C)(1) of this section by a system that serves more than ten thousand people, but not more than twenty five thousand people, an administrative penalty of seventy five dollars per day for each day that the system failed to provide each notice;~~

~~(d) For a violation of division (C)(1) of this section by a system that serves more than twenty five thousand people, an administrative penalty of one hundred dollars per day for each day that the system failed to provide each notice;~~

~~(e) For a violation of division (C)(3)(a) of this section by a system that serves not less than twenty five people, but not more than three thousand three hundred people, an administrative penalty of two hundred fifty dollars per day for each day the system failed to provide the notice;~~

~~(f) For a violation of division (C)(3)(a) of this section by a system that serves more than three thousand three hundred people, but not more than ten thousand people, an administrative penalty of five hundred dollars per day for each day the system failed to provide the notice;~~

~~(g) For a violation of division (C)(3)(a) of this section by a system that serves more than ten thousand people, but not more than twenty five thousand people, an administrative penalty of seven hundred fifty dollars per day for each day the system failed to provide the notice;~~

~~(h) For a violation of division (C)(3)(a) of this section by a system that serves more than twenty five thousand people, an administrative penalty of one thousand dollars per day for each day the system failed to provide the notice.~~

~~(B) A (14) Require a laboratory that receives a lead or copper tap water sample from a community or nontransient noncommunity water system ~~shall~~ to do both of the following:~~

~~(1)(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;~~

~~(2)(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.~~

~~(C) The (15) Require the owner or operator of a community or nontransient noncommunity water system ~~shall~~ to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division ~~(B)(2)(A)(14)~~ of this section:~~

~~(1)~~ ~~Not later than two business days after the receipt of the laboratory results~~ (a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

~~(2)~~(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

~~(a)~~(i) For the owner or operator of a nontransient noncommunity water system, immediately remove from service all fixtures identified as contributing to elevated lead levels;

~~(b)~~(ii) For the owner or operator of a community water system, include in the system's annual consumer confidence report the lead or copper laboratory results, an explanation of the associated health risks, what actions consumers of the system can take to reduce health risks, and the actions the system is taking to reduce public exposure;

~~(c)~~(iii) Not later than two business days after the receipt of the laboratory results, provide information on the availability of health screening and blood lead level testing to the owner and persons served at the residence or other structure where the sample was collected and provide notice of the laboratory results to the applicable local board of health.

~~(3)~~(c) If the laboratory results show that the community or nontransient noncommunity water system exceeds the lead action level established in rules adopted under this chapter, do all of the following, as applicable:

~~(a)~~(i) Not later than two business days after the receipt of the laboratory results, provide notice to all of the system's water consumers that the system exceeds the lead action level. The owner or operator shall provide the notice in a form specified by the director.

~~(b)~~(ii) Not later than five business days after the receipt of the laboratory results by the owner or operator of a community water system, provide information on the availability of tap water testing for lead to all consumers served by the system who are known or likely to have lead service lines, lead pipes, or lead solder as identified in the map required to be completed by rules adopted under division ~~(F)~~(A)(18) of this section;

~~(e)(iii)~~ Not later than thirty business days after the receipt of the laboratory results, make an analysis of laboratory results available to all consumers served by the system, comply with public education requirements established in rules adopted under this chapter that apply when a public water system exceeds the lead action level, and provide information to consumers served by the system about the availability of health screenings and blood lead level testing in the area served by the water system;

~~(d)(iv)~~ Subject to rules adopted under division (A)(7) of this section, perform a corrosion control treatment study and submit a corrosion control treatment plan to the director not later than eighteen months after the date on which laboratory results were received by the owner or operator indicating that the system exceeded the lead action level.

~~(D) Not (16) Require that not~~ later than five business days after the receipt of the laboratory results, the owner or operator shall certify to the director that the owner or operator has complied with the requirements of rules adopted under divisions ~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable.

~~(E) If (17) Require that if~~ the owner or operator of a community or nontransient noncommunity water system fails to provide the notices required under rules adopted under division ~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director shall provide those notices beginning ten business days from the date that the director receives laboratory results under the rules adopted under division ~~(B)(A)(14)~~ of this section.

~~(F) Not later than six months after the effective date of this section, the owner or operator of a community or nontransient noncommunity water system shall do all of the following, as applicable:~~

~~(1) For the owner or operator of a community water system, identify and map areas of the system that are known or are likely to contain lead service lines and identify characteristics of buildings served by the system that may contain lead piping, solder, or fixtures;~~

~~(2) For the owner or operator of a nontransient noncommunity water system, identify and map areas of the system with lead piping, solder, or fixtures in buildings served by the system;~~

~~(3) Submit a copy of the applicable map to the department of health and the department of job and family services;~~

~~(4) Submit a report to the director containing at least both of the following:~~

~~(a) The applicable map;~~

~~(b) A list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site.~~

~~(G) The owner or operator of a community or nontransient noncommunity water system shall update and resubmit the information required under division (F) of this section once every five years beginning five years after the date of the initial submission.~~

~~(H) The director shall provide financial assistance from the drinking water assistance fund established under section 6109.22 of the Revised Code to community water systems and nontransient noncommunity water systems for the purpose of fulfilling the mapping requirements under division (F) of this section and complying with corrosion control requirements established in rules adopted under division (A) of this section. In addition, the (18) Require the owner or operator of a community or nontransient noncommunity water system to submit a map to the director showing areas of the system that are known or are likely to contain lead service lines and identifying characteristics of buildings served by the system that may contain lead piping, solder, or fixtures. The rules shall, at a minimum, require the owner or operator to do all of the following:~~

~~(a) Submit a copy of the applicable map to the department of health and the department of job and family services;~~

~~(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site;~~

~~(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act.~~

~~(B) The director shall post information on the environmental protection agency's web site about ~~other~~ sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement.~~

~~(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child day-care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division ~~(F)~~(A)(18) of this section.~~

~~(D) As used in this section:~~

~~(1) "Child day-care center" has the same meaning as in section 5104.01~~

of the Revised Code.

(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code, or the governing authority of a chartered or nonchartered nonpublic school.

(3) "Local board of health" means the applicable board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Sec. 6111.027. (A) Mitigation for impacts to isolated wetlands under sections 6111.02 to 6111.027 shall be conducted in accordance with the following ratios:

(1) For category 1 and category 2 isolated wetlands, other than forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two times the size of the area of isolated wetland that is being impacted.

(2) For forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two and one-half times the size of the area of isolated wetland that is being impacted.

(3) All other mitigation shall be subject to mitigation ratios established in ~~division (F)~~ of rule 3745-1-54 of the Administrative Code.

(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.

(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation.

Sec. 6111.13. (A) As used in this section:

(1) "Method detection limit" has the same meaning as in 40 C.F.R. part 136, appendix B, and shall be determined in accordance with the procedures set forth in that appendix.

(2) "Practical quantification level" means a concentration that is five times the method detection limit for the most sensitive available analytical procedure currently approved under 40 C.F.R. part 136 for a pollutant unless the director of environmental protection, by rules adopted in accordance with Chapter 119. of the Revised Code, establishes a different practical quantification level for the pollutant that is consistent with and no more stringent than the appropriate national consensus standard or other generally accepted standard.

(B) Notwithstanding any other provisions of this chapter to the contrary, and until the director has adopted rules specifying a different basis for determining compliance consistent with and no more stringent than an appropriate national consensus standard or other generally accepted standard, if a discharge limit is set below the practical quantification level for a particular parameter, any value reported ~~at or~~ below the practical quantification level shall be considered to be in compliance with that limit.

(C) Whenever a discharge limit for a pollutant is less than the practical quantification level, the director may require the permit holder to identify the possible sources of that pollutant. The director, by rule, may specify additional actions that the permit holder may be required to take when the director finds the actions to be necessary to prevent or mitigate significant adverse effects on public health or environmental quality. Failure of a permit holder to comply with additional actions required by the director under this division constitutes a violation of the permit holder's discharge permit.

Sec. 6301.06. (A) The chief elected official or officials of a local area shall create a local board to carry out the functions described in section 107(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or officials shall appoint members of the local board in accordance with the requirements of section 107(b)(2) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).

(B) Members of the local board serve at the pleasure of the chief elected official or officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected official or officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

(C) The chief elected official or officials of a local area shall adopt a process for appointing members to the local board for the local area.

~~(E)~~(D)(1) The requirement in division (C) of section 121.22 of the Revised Code that a member of a public body be present in person at a meeting open to the public to be part of a quorum or to vote does not apply to a local board if the board holds a meeting by interactive video conference or teleconference in the following manner:

(a) The board establishes a primary meeting location that is open and accessible to the public;

(b) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member;

(c) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;

(d) In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member;

(e) All board members have the capability to receive meeting-related materials that are distributed during the board meeting;

(f) A roll call voice vote is recorded for each vote taken;

(g) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference.

(2) If the board holds a meeting by interactive video conference or teleconference in the manner described in division (D)(1) of this section, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.

(3) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement division (D)(1) of this section, including rules that do all of the following:

(a) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person;

(b) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference;

(c) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location;

(d) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference;

(e) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference;

(f) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference.

(E) The chief elected official or officials of a local area may contract with the local board. The parties shall specify in the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary.

(F) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer.

(G)(1) As used in this division, "public library" means a library that is open to the public and that is one of the following:

(a) A library that is maintained and regulated under section 715.13 of the Revised Code;

(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code;

(c) A library that is created and maintained by a public or private school, college, university, or other educational institution;

(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society.

(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources.

SECTION 101.02. That existing sections 1.14, 5.2247, 9.08, 9.318, 9.47,

9.821, 9.822, 9.83, 102.02, 103.11, 103.22, 103.41, 103.60, 105.41, 107.03, 109.02, 109.08, 109.111, 109.112, 109.32, 109.57, 109.572, 109.79, 109.803, 111.16, 111.27, 111.28, 111.48, 117.04, 117.05, 117.06, 117.09, 117.13, 117.22, 121.02, 121.03, 121.07, 121.08, 121.084, 121.22, 122.01, 122.011, 122.041, 122.09, 122.15, 122.151, 122.153, 122.154, 122.156, 122.17, 122.171, 122.178, 122.23, 122.403, 122.42, 122.60, 122.601, 122.603, 122.65, 122.72, 122.73, 122.74, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.84, 122.85, 122.87, 122.89, 122.90, 122.92, 122.98, 123.01, 123.02, 123.151, 123.152, 123.153, 123.154, 124.136, 124.152, 124.19, 125.02, 125.035, 125.04, 125.05, 125.08, 125.081, 125.09, 125.111, 125.112, 125.14, 125.18, 125.65, 125.832, 125.95, 126.021, 126.37, 126.60, 127.13, 128.55, 131.02, 131.025, 131.43, 131.50, 133.06, 135.02, 135.143, 135.45, 149.11, 149.311, 149.43, 149.434, 153.59, 155.011, 166.01, 166.03, 166.27, 167.03, 169.05, 173.38, 173.381, 173.39, 173.391, 173.392, 173.393, 174.01, 174.02, 183.021, 183.33, 184.01, 184.173, 187.03, 301.30, 307.921, 307.93, 319.54, 321.27, 323.153, 325.19, 329.12, 340.13, 341.12, 349.01, 351.021, 503.56, 504.04, 507.021, 511.10, 701.10, 715.013, 715.014, 715.72, 733.81, 901.171, 901.91, 905.59, 955.15, 1121.30, 1181.06, 1321.21, 1322.09, 1322.10, 1322.20, 1322.21, 1337.11, 1345.21, 1503.03, 1503.05, 1503.141, 1503.33, 1505.09, 1509.12, 1509.13, 1509.28, 1509.70, 1509.71, 1509.72, 1509.73, 1509.74, 1509.75, 1509.77, 1509.78, 1513.08, 1521.06, 1521.061, 1521.40, 1521.99, 1531.01, 1531.17, 1531.33, 1531.35, 1533.01, 1533.101, 1533.11, 1533.321, 1546.06, 1546.21, 1547.59, 1551.01, 1551.33, 1551.35, 1561.12, 1561.23, 1703.27, 1706.83, 1707.37, 1710.01, 1710.06, 1733.321, 1901.31, 1907.15, 2133.01, 2151.011, 2151.152, 2151.23, 2151.362, 2151.412, 2151.416, 2151.421, 2151.451, 2151.452, 2151.453, 2303.05, 2317.54, 2323.52, 2329.312, 2743.01, 2743.02, 2743.03, 2743.15, 2743.16, 2743.19, 2746.04, 2915.01, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.093, 2915.095, 2915.10, 2915.101, 2915.12, 2915.13, 2921.36, 2929.15, 2929.19, 2929.34, 2953.25, 2953.31, 2953.33, 2967.04, 2967.17, 2967.28, 2981.13, 3107.11, 3107.15, 3119.01, 3301.079, 3301.0712, 3301.0714, 3301.0715, 3302.036, 3302.04, 3302.20, 3302.41, 3307.31, 3309.51, 3310.02, 3310.03, 3310.032, 3310.035, 3310.07, 3310.10, 3310.13, 3310.16, 3310.41, 3310.51, 3310.52, 3310.54, 3310.57, 3310.62, 3311.741, 3312.01, 3313.411, 3313.48, 3313.488, 3313.60, 3313.603, 3313.608, 3313.6011, 3313.6013, 3313.61, 3313.618, 3313.619, 3313.6113, 3313.6114, 3313.63, 3313.64, 3313.713, 3313.842, 3313.902, 3313.974, 3313.975, 3313.976, 3313.978, 3313.979, 3313.98, 3313.981, 3314.013, 3314.016, 3314.017, 3314.02, 3314.021,

3314.03, 3314.034, 3314.05, 3314.06, 3314.08, 3314.083, 3314.084, 3314.086, 3314.087, 3314.091, 3314.11, 3314.191, 3314.20, 3314.24, 3314.261, 3314.353, 3315.18, 3317.013, 3317.014, 3317.016, 3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.028, 3317.0212, 3317.0213, 3317.0214, 3317.03, 3317.051, 3317.062, 3317.063, 3317.064, 3317.16, 3317.161, 3317.20, 3317.201, 3317.25, 3318.038, 3319.087, 3319.151, 3319.227, 3319.229, 3319.236, 3319.31, 3319.57, 3319.60, 3319.61, 3319.99, 3324.05, 3324.09, 3326.01, 3326.02, 3326.03, 3326.032, 3326.04, 3326.07, 3326.08, 3326.10, 3326.101, 3326.11, 3326.14, 3326.23, 3326.31, 3326.32, 3326.35, 3326.36, 3326.39, 3326.40, 3326.51, 3327.01, 3327.02, 3328.24, 3328.32, 3328.34, 3333.049, 3333.051, 3333.31, 3333.38, 3333.61, 3333.613, 3333.62, 3333.63, 3333.64, 3333.65, 3333.66, 3333.68, 3333.69, 3333.79, 3335.38, 3345.32, 3354.01, 3357.09, 3358.01, 3365.01, 3365.02, 3365.03, 3365.032, 3365.04, 3365.07, 3365.08, 3501.302, 3701.021, 3701.022, 3701.132, 3701.362, 3701.501, 3701.602, 3701.61, 3701.613, 3701.831, 3701.881, 3701.916, 3702.304, 3702.511, 3703.01, 3703.03, 3709.052, 3709.06, 3709.07, 3713.02, 3717.22, 3717.221, 3721.02, 3734.57, 3734.85, 3734.901, 3735.65, 3735.67, 3735.671, 3736.01, 3737.17, 3737.71, 3741.14, 3745.014, 3745.11, 3746.01, 3746.04, 3746.071, 3746.09, 3746.10, 3746.11, 3746.12, 3746.13, 3746.17, 3746.18, 3746.19, 3746.20, 3746.21, 3746.31, 3746.35, 3770.06, 3770.073, 3772.01, 3791.07, 3794.01, 3794.03, 3796.28, 3902.50, 3902.60, 3902.70, 3905.04, 3929.87, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 4141.01, 4141.131, 4141.21, 4141.22, 4141.51, 4141.53, 4141.55, 4301.03, 4301.10, 4301.12, 4301.30, 4301.42, 4301.43, 4301.432, 4301.62, 4301.82, 4303.03, 4303.031, 4303.071, 4303.17, 4303.185, 4303.2010, 4303.232, 4303.233, 4303.234, 4303.26, 4303.271, 4303.33, 4303.332, 4303.333, 4303.99, 4501.21, 4503.066, 4505.09, 4511.191, 4513.601, 4513.62, 4709.10, 4713.02, 4715.36, 4719.01, 4723.431, 4729.43, 4729.80, 4729.86, 4730.43, 4731.22, 4735.05, 4735.14, 4735.15, 4735.211, 4755.01, 4755.02, 4755.04, 4755.05, 4755.06, 4755.08, 4755.11, 4755.12, 4755.42, 4755.421, 4755.47, 4755.48, 4755.64, 4757.10, 4763.15, 4779.28, 4779.33, 4781.04, 4781.07, 4781.281, 4781.56, 4781.57, 4901.10, 4906.02, 4927.01, 5101.141, 5101.1411, 5101.1412, 5101.1415, 5101.341, 5101.54, 5101.63, 5101.741, 5101.802, 5101.971, 5103.02, 5103.031, 5103.0310, 5103.0316, 5104.01, 5104.017, 5104.07, 5104.29, 5104.31, 5104.34, 5107.10, 5119.27, 5119.33, 5119.34, 5119.36, 5119.37, 5119.43, 5119.99, 5120.035, 5120.62, 5123.19, 5123.35, 5123.89, 5124.01, 5124.101, 5124.15, 5124.151, 5124.152, 5124.17, 5124.19, 5124.191, 5124.21, 5124.23, 5124.29, 5124.30, 5124.38, 5124.39, 5124.40, 5124.41,

5124.46, 5126.044, 5126.05, 5126.054, 5126.055, 5126.056, 5126.071, 5126.131, 5145.31, 5149.31, 5149.38, 5153.122, 5153.124, 5153.163, 5163.06, 5163.061, 5164.34, 5164.342, 5165.01, 5165.15, 5165.151, 5165.16, 5165.17, 5165.191, 5165.26, 5165.36, 5165.771, 5166.01, 5167.10, 5167.16, 5168.60, 5168.61, 5301.13, 5301.14, 5301.15, 5301.18, 5301.21, 5322.01, 5322.02, 5322.03, 5501.332, 5502.30, 5540.02, 5701.11, 5703.21, 5703.70, 5705.16, 5705.19, 5709.121, 5709.17, 5709.40, 5709.41, 5709.61, 5709.62, 5709.63, 5709.631, 5709.632, 5709.92, 5709.93, 5726.20, 5727.75, 5727.80, 5727.81, 5731.21, 5731.24, 5731.28, 5731.41, 5739.01, 5739.02, 5739.021, 5739.03, 5739.09, 5741.01, 5741.03, 5741.17, 5747.01, 5747.02, 5747.05, 5747.065, 5747.08, 5747.10, 5747.98, 5751.01, 5751.02, 5751.03, 5751.40, 5902.09, 5919.34, 6101.48, 6101.53, 6109.121, 6111.027, 6111.13, and 6301.06 of the Revised Code are hereby repealed.

SECTION 105.01. That sections 109.802, 111.29, 117.49, 117.50, 122.404, 149.08, 183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 341.121, 1503.012, 1509.76, 1533.38, 1546.24, 3301.0724, 3301.122, 3301.46, 3301.922, 3310.08, 3310.09, 3310.55, 3310.56, 3313.5316, 3313.901, 3314.033, 3314.085, 3314.088, 3314.30, 3314.31, 3314.37, 3314.53, 3317.017, 3317.029, 3317.0215, 3317.0216, 3317.0217, 3317.0218, 3317.0219, 3317.163, 3317.26, 3317.27, 3326.05, 3326.111, 3326.33, 3326.41, 3326.42, 3328.33, 3333.611, 3333.612, 3333.614, 3333.67, 3735.01, 3746.07, 4503.515, 5123.046, 5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 5167.172, 5701.15, and 5741.032 of the Revised Code are hereby repealed.

SECTION 110.10. That the version of section 3319.227 of the Revised Code that is scheduled to take effect April 12, 2023, be amended to read as follows:

Sec. 3319.227. (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to each person who is assigned to teach in this state as a participant in the teach for America program and who satisfies the following conditions for the duration of the program:

- (1) Holds a bachelor's degree from an accredited institution of higher

education;

(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;

(3) Has passed an examination prescribed by the state board in the subject area to be taught;

(4) Has successfully completed the summer training institute operated by teach for America;

(5) Remains an active member of the teach for America two-year support program.

(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section.

(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A)(1) to (4) of this section. The state board shall credit an applicant under this division as having completed the teacher residency program under section 3319.223 of the Revised Code.

(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or more accredited four-year public or private institutions of higher education in the state to provide optional training of teach for America participants for the purpose of enabling those participants to complete an optional master's degree or an equivalent amount of coursework. Nothing in this division shall require any teach for America participant to complete a master's degree as a condition of holding a license issued under this section.

(E) The superintendent of public instruction, on behalf of the state board, shall ~~revoke~~ inactivate a resident educator license issued to a participant in the teach for America program who is assigned to teach in this state if the participant resigns or is dismissed from the program prior to completion of the two-year teach for America support program. The inactivation of a license under this division does not constitute a suspension or revocation of the license by the state board under section 3319.31 of the Revised Code and the state board and the state superintendent need not provide the person with an opportunity for a hearing with respect to the inactivation.

SECTION 110.11. That the existing version of section 3319.227 of the Revised Code that is scheduled to take effect April 12, 2023, is hereby repealed.

SECTION 110.12. Sections 110.10 and 110.11 of this act take effect on April 12, 2023.

SECTION 110.22. The versions of sections 109.572, 121.22, 1322.10, 1322.21, 1561.12, 1561.23, 2915.081, 2915.082, 3319.31, 3770.073, 3772.01, 4709.10, 4755.06, 4755.08, 4755.11, 4755.47, 4755.64, 4757.10, and 4779.28 of the Revised Code presented as existing law in this act are the versions of those sections as they result from H.B. 263 of the 133rd General Assembly, which sections take effect on October 9, 2021. The amendments made to those sections by this act, H.B. 110 of the 134th General Assembly, take effect as provided in sections of this act prefixed with numbers in the 812s. The taking effect of this act's amendments to those sections does not accelerate the effective date of the changes to those sections by H.B. 263 of the 133rd General Assembly.

SECTION 130.10. That sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to read as follows:

Sec. 111.15. (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code.

"Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed in electronic form with the

secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency.

Except as provided in section 107.43 of the Revised Code, an emergency rule becomes invalid at the end of the one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another one hundred twenty-day period.

The adoption of an emergency rule under division (B)(2) of this section in response to a state of emergency, as defined under section 107.42 of the Revised Code, may be invalidated by the general assembly, in whole or in part, by adopting a concurrent resolution in accordance with section 107.43 of the Revised Code.

(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures:

(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code.

(b) The rule shall be prepared and submitted in compliance with the rules of the legislative service commission.

(c) The rule shall clearly state the date on which it is to be effective and the date on which it will expire, if known.

(d) Each rule that amends or rescinds another rule shall clearly refer to the rule that is amended or rescinded. Each amendment shall fully restate the rule as amended.

If the director of the legislative service commission or the director's designee gives an agency notice pursuant to section 103.05 of the Revised Code that a rule filed by the agency is not in compliance with the rules of the legislative service commission, the agency shall within thirty days after receipt of the notice conform the rule to the rules of the commission as directed in the notice.

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) of this section shall be recorded by the secretary of state and the director under the title of

the agency adopting the rule and shall be numbered according to the numbering system devised by the director. The secretary of state and the director shall preserve the rules in an accessible manner. Each such rule shall be a public record open to public inspection and may be transmitted to any law publishing company that wishes to reproduce it.

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under section 106.021 of the Revised Code. If a state board, commission, department, division, or bureau makes a revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

A proposed rule that is subject to legislative review under this division may not be adopted and filed in final form under division (B)(1) of this section unless the proposed rule has been filed with the joint committee on agency rule review under this division and the time for the joint committee to review the proposed rule has expired without recommendation of a concurrent resolution to invalidate the proposed rule.

As used in this division, "commission" includes the public utilities commission when adopting rules under a federal or state statute.

This division does not apply to any of the following:

- (1) A proposed rule of an emergency nature;
- (2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;
- (3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;

(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;

(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

(a) A statement that it is proposed for the purpose of complying with a federal law or rule;

(b) A citation to the federal law or rule that requires verbatim compliance.

~~(6) An initial rule proposed by the director of health to impose safety standards and quality of care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;~~

(7) A rule of the state lottery commission pertaining to instant game rules.

If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.

Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

Sec. 140.01. As used in this chapter:

(A) "Hospital agency" means any public hospital agency or any nonprofit hospital agency.

(B) "Public hospital agency" means any county, board of county hospital trustees established pursuant to section 339.02 of the Revised Code, county hospital commission established pursuant to section 339.14 of the Revised Code, municipal corporation, new community authority organized

under Chapter 349. of the Revised Code, joint township hospital district, state or municipal university or college operating or authorized to operate a hospital facility, or the state.

(C) "Nonprofit hospital agency" means a corporation or association not for profit, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, that has authority to own or operate a hospital facility or provides or is to provide services to one or more other hospital agencies.

(D) "Governing body" means, in the case of a county, the board of county commissioners or other legislative body; in the case of a board of county hospital trustees, the board; in the case of a county hospital commission, the commission; in the case of a municipal corporation, the council or other legislative authority; in the case of a new community authority, its board of trustees; in the case of a joint township hospital district, the joint township district hospital board; in the case of a state or municipal university or college, its board of trustees or board of directors; in the case of a nonprofit hospital agency, the board of trustees or other body having general management of the agency; and, in the case of the state, the director of development ~~services~~ or the Ohio higher educational facility commission.

(E) "Hospital facilities" means buildings, structures and other improvements, additions thereto and extensions thereof, furnishings, equipment, and real estate and interests in real estate, used or to be used for or in connection with one or more hospitals, emergency, intensive, intermediate, extended, long-term, or self-care facilities, diagnostic and treatment and out-patient facilities, facilities related to programs for home health services, clinics, laboratories, public health centers, research facilities, and rehabilitation facilities, for or pertaining to diagnosis, treatment, care, or rehabilitation of sick, ill, injured, infirm, impaired, disabled, or handicapped persons, or the prevention, detection, and control of disease, and also includes education, training, and food service facilities for health professions personnel, housing facilities for such personnel and their families, and parking and service facilities in connection with any of the foregoing; and includes any one, part of, or any combination of the foregoing; and further includes site improvements, utilities, machinery, facilities, furnishings, and any separate or connected buildings, structures, improvements, sites, utilities, facilities, or equipment to be used in, or in connection with the operation or maintenance of, or supplementing or otherwise related to the services or facilities to be provided by, any one or more of such hospital facilities.

(F) "Costs of hospital facilities" means the costs of acquiring hospital facilities or interests in hospital facilities, including membership interests in nonprofit hospital agencies, costs of constructing hospital facilities, costs of improving one or more hospital facilities, including reconstructing, rehabilitating, remodeling, renovating, and enlarging, costs of equipping and furnishing such facilities, and all financing costs pertaining thereto, including, without limitation thereto, costs of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of cost, costs of tests and inspections, the costs of any indemnity or surety bonds and premiums on insurance, all related direct or allocable administrative expenses pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisors, attorneys, accountants, consultants and rating services in connection therewith, capitalized interest on the obligations, amounts necessary to establish reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by the hospital agency or others or borrowed from others for the payment of any item or items of costs of such facilities, and all other expenses necessary or incident to planning or determining feasibility or practicability with respect to such facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of such facilities, the financing thereof, and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses, and means the costs of refinancing obligations issued by, or reimbursement of money advanced by, nonprofit hospital agencies or others the proceeds of which were used for the payment of costs of hospital facilities, if the governing body of the public hospital agency determines that the refinancing or reimbursement advances the purposes of this chapter, whether or not the refinancing or reimbursement is in conjunction with the acquisition or construction of additional hospital facilities.

(G) "Hospital receipts" means all moneys received by or on behalf of a hospital agency from or in connection with the ownership, operation, acquisition, construction, improvement, equipping, or financing of any hospital facilities, including, without limitation thereto, any rentals and other moneys received from the lease, sale, or other disposition of hospital facilities, and any gifts, grants, interest subsidies, or other moneys received under any federal program for assistance in financing the costs of hospital facilities, and any other gifts, grants, and donations, and receipts therefrom,

available for financing the costs of hospital facilities.

(H) "Obligations" means bonds, notes, or other evidences of indebtedness or obligation, including interest coupons pertaining thereto, issued or issuable by a public hospital agency to pay costs of hospital facilities.

(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.

(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.

(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.

(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:

(1) A hospital ~~required to be certified by section 3727.02 of the Revised Code;~~

(2) A nursing home or residential care facility;

(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;

(4) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;

(5) A residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code that is not a residential facility described in division (M)(4) of this section;

(6) A facility licensed to operate an opioid treatment program under section 5119.37 of the Revised Code;

(7) A community addiction services provider, as defined in section 5119.01 of the Revised Code;

(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.

~~Sec. 3701.07. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code defining and classifying hospitals and dispensaries and providing for the reporting of information by hospitals and dispensaries. Except as otherwise provided in the Revised Code, the rules providing for the reporting of information shall not require inclusion of any confidential patient data or any information concerning the financial condition, income, expenses, or net worth of the facilities. The rules may require the reporting of information in the following categories:~~

- ~~(1) Information needed to identify and classify the institution;~~
- ~~(2) Information on facilities and type and volume of services provided by the institution;~~
- ~~(3) The number of beds listed by category of care provided;~~
- ~~(4) The number of licensed or certified professional employees by classification;~~
- ~~(5) The number of births that occurred at the institution the previous calendar year;~~
- ~~(6) Any other information that the director considers relevant to the safety of patients served by the institution.~~

~~Every hospital and dispensary, public or private, annually shall register with and report to the department of health. Reports shall be submitted in the manner prescribed in rules adopted under this division.~~

~~(B) Every governmental entity or private nonprofit corporation or association whose employees or representatives are defined as residents' rights advocates under divisions (E)(1) and (2) of section 3721.10 of the Revised Code shall register with the department of health on forms furnished by the director of health and shall provide such reasonable identifying information as the director may prescribe.~~

The department shall compile a list of the governmental entities, corporations, or associations registering under this division and shall update the list annually. Copies of the list shall be made available to nursing home administrators as defined in division (C) of section 3721.10 of the Revised Code.

Sec. 3701.351. (A) The governing body of every hospital shall set standards and procedures to be applied by the hospital and its medical staff in considering and acting upon applications for staff membership or professional privileges. These standards and procedures shall be available for public inspection.

(B) The governing body of any hospital, in considering and acting upon

applications for staff membership or professional privileges within the scope of the applicants' respective licensures, shall not discriminate against a qualified person solely on the basis of whether that person is licensed to practice medicine, osteopathic medicine, or podiatry, is licensed to practice dentistry or psychology, or is licensed to practice nursing as an advanced practice registered nurse. Staff membership or professional privileges shall be considered and acted on in accordance with standards and procedures established under division (A) of this section. ~~This section does not permit a psychologist to admit a patient to a hospital in violation of section 3727.06 of the Revised Code.~~

(C) The governing body of any hospital that ~~is licensed to provide~~ provides maternity services, in considering and acting upon applications for clinical privileges, shall not discriminate against a qualified person solely on the basis that the person is authorized to practice nurse-midwifery. An application from a certified nurse-midwife who is not employed by the hospital shall contain the name of a physician member of the hospital's medical staff who holds clinical privileges in obstetrics at that hospital and who has agreed to be the collaborating physician for the applicant in accordance with section 4723.43 of the Revised Code.

(D) Any person may apply to the court of common pleas for temporary or permanent injunctions restraining a violation of division (A), (B), or (C) of this section. This action is an additional remedy not dependent on the adequacy of the remedy at law.

(E)(1) If a hospital does not provide or permit the provision of any diagnostic or treatment service for mental or emotional disorders or any other service that may be legally performed by a psychologist licensed under Chapter 4732. of the Revised Code, this section does not require the hospital to provide or permit the provision of any such service and the hospital shall be exempt from requirements of this section pertaining to psychologists.

(2) This section does not impair the right of a hospital to enter into an employment, personal service, or any other kind of contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of the Revised Code:

(A) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian.

(B) "Guardian" has the same meaning as in section 2111.01 of the

Revised Code.

(C) "Custodian" means, except as used in division (A) of this section, a government agency or an individual, other than the parent or guardian, with legal or permanent custody of a child as defined in section 2151.011 of the Revised Code.

(D) "Hearing screening" means the identification of newborns and infants who may have a hearing impairment, through the use of a physiologic test.

(E) "Hearing evaluation" means evaluation through the use of audiological procedures by an audiologist or physician.

(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.

(G) "Newborn" means a child who is less than thirty days old.

(H) "Infant" means a child who is at least thirty days but less than twenty-four months old.

(I) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility.

(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.

(L) "Hospital" means a hospital that has a maternity unit or newborn nursery.

(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.

(N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Sec. 3701.5010. (A) As used in this section:

(1) "Critical congenital heart defects screening" means the identification of a newborn that may have a critical congenital heart defect, through the use of a physiologic test.

(2) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(3) "Hospital," "maternity unit," "newborn," and "physician" have the same meanings as in section 3701.503 of the Revised Code.

(4) "Pulse oximetry" means a noninvasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen.

(B) Except as provided in division (C) of this section, each hospital and each freestanding birthing center shall conduct a critical congenital heart defects screening on each newborn born in the hospital or center, unless the newborn is being transferred to another hospital. The screening shall be performed before discharge. If the newborn is transferred to another hospital, that hospital shall conduct the screening when determined to be medically appropriate. The hospital or center shall promptly notify the newborn's parent, guardian, or custodian and attending physician of the screening results.

(C) A hospital or freestanding birthing center shall not conduct a critical congenital heart defects screening if the newborn's parent objects on the grounds that the screening conflicts with the parent's religious tenets and practices.

(D)(1) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screening required by this section, including all of the following:

(a) Designating the person or persons responsible for causing the screening to be performed;

(b) Specifying screening equipment and methods;

(c) Identifying when the screening should be performed;

(d) Providing notice of the required screening to the newborn's parent, guardian, or custodian;

(e) Communicating screening results to the newborn's parent, guardian, or custodian and attending physician;

(f) Reporting screening results to the department of health;

(g) Referring newborns that receive abnormal screening results to providers of follow-up services.

(2) In adopting rules under division (D)(1)(b) of this section, the director shall specify screening equipment and methods that include the use of pulse oximetry or other screening equipment and methods that detect critical congenital heart defects at least as accurately as pulse oximetry. The screening equipment and methods specified shall be consistent with recommendations issued by nationally recognized organizations that advocate on behalf of medical professionals or individuals with cardiovascular conditions.

Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66,

and 3701.67 of the Revised Code:

(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(5) "Hospital" ~~means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and~~ has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

(6) "Infant" means a child who is less than one year of age.

(7) "Maternity unit" means the distinct portion of a hospital ~~licensed as a maternity unit under Chapter 3711. of the Revised Code~~ in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:

(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;

(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;

(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:

(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;

(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;

(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made.

(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 of the Revised Code.

Sec. 3701.69. (A)(1) The department of health shall create a Down syndrome information sheet that includes all of the following:

(a) A description of Down syndrome, including its causes, effects on development, and potential complications;

(b) Diagnostic tests;

(c) Options for treatment and therapy;

(d) Contact information for local, state, and national organizations that provide Down syndrome educational and support services and programs.

(2) With respect to the medical information included in the information sheet, the department shall include only information that is current and based on medical evidence.

(3) The department shall periodically review and update the information sheet and shall make it available on the department's internet web site.

(B) If a patient under the care of any of the following health care professionals or facilities receives either a test result indicating Down syndrome or a prenatal or postnatal diagnosis of Down syndrome, the health care professional or facility shall provide to the patient or the patient's representative a copy of the information sheet created under division (A) of this section:

(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(2) A certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code;

(3) A genetic counselor licensed under Chapter 4778. of the Revised Code;

(4) A hospital ~~registered under section 3701.07 of the Revised Code~~ licensed under Chapter 3722. of the Revised Code that operates a maternity

unit or newborn care nursery;

(5) A ~~maternity unit, newborn care nursery, or maternity home~~ licensed under Chapter 3711. of the Revised Code;

(6) A freestanding birthing center licensed under section 3702.30 of the Revised Code.

Sec. 3701.83. There is hereby created in the state treasury the general operations fund. Moneys in the fund shall be used for the purposes specified in sections 3701.04, 3701.344, ~~3702.20~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 4736.06, and 4769.09 of the Revised Code.

Sec. 3702.30. (A) As used in this section:

(1) "Ambulatory surgical facility" means a facility in which surgical services are provided to patients who do not require hospitalization for inpatient care, the duration of services for any patient does not extend beyond twenty-four hours after the patient's admission, and to which any of the following apply:

(a) The surgical services are provided in a building that is separate from another building in which inpatient care is provided, regardless of whether the separate building is part of the same organization as the building in which inpatient care is provided.

(b) The surgical services are provided within a building in which inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.

(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.

"Ambulatory surgical facility" does not include a hospital emergency department, hospital provider-based department that is otherwise licensed under Chapter 3722. of the Revised Code, or an office of a physician, podiatrist, or dentist.

(2) "Health care facility" means any of the following:

- (a) An ambulatory surgical facility;
- (b) A freestanding dialysis center;
- (c) A freestanding inpatient rehabilitation facility;
- (d) A freestanding birthing center;
- (e) A freestanding radiation therapy center;
- (f) A freestanding or mobile diagnostic imaging center.

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for

health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and administer a plan designed to prevent, identify, and manage infections and communicable diseases; ensure that the program is directed by a qualified professional trained in infection control; ensure that the program is an integral part of the ambulatory surgical facility's quality assessment and performance improvement program; and implement in an expeditious manner corrective and preventive measures that result in improvement.

(C) Every ambulatory surgical facility shall require that each physician who practices at the facility comply with all relevant provisions in the Revised Code that relate to the obtaining of informed consent from a patient.

(D) The director shall issue a license to each health care facility that makes application for a license and demonstrates to the director that it meets the quality standards established by the rules adopted under division (B) of this section and satisfies the informed consent compliance requirements specified in division (C) of this section.

(E)(1) Except as provided in division (H) of this section and in section 3702.301 of the Revised Code, no health care facility shall operate without a license issued under this section.

The general assembly does not intend for the provisions of this section or section 3702.301 of the Revised Code that establish health care facility licensing requirements or exemptions to have an effect on any third-party payments that may be available for the services provided by either a licensed health care facility or an entity exempt from licensure.

(2) If the department of health finds that a physician who practices at a health care facility is not complying with any provision of the Revised Code related to the obtaining of informed consent from a patient, the department shall report its finding to the state medical board, the physician, and the health care facility.

(3) Division (E)(2) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a health care facility and in favor of a patient who allegedly sustains harm as a result of the failure of the patient's physician to obtain informed

consent from the patient prior to performing a procedure on or otherwise caring for the patient in the health care facility.

(F) The rules adopted under division (B) of this section shall include all of the following:

(1) Provisions governing application for, renewal, suspension, and revocation of a license under this section;

(2) Provisions governing orders issued pursuant to section 3702.32 of the Revised Code for a health care facility to cease its operations or to prohibit certain types of services provided by a health care facility;

(3) Provisions governing the imposition under section 3702.32 of the Revised Code of civil penalties for violations of this section or the rules adopted under this section, including a scale for determining the amount of the penalties;

(4) Provisions specifying the form inspectors must use when conducting inspections of ambulatory surgical facilities.

(G) An ambulatory surgical facility that performs or induces abortions shall comply with section 3701.791 of the Revised Code.

(H) The following entities are not required to obtain a license as a freestanding diagnostic imaging center issued under this section:

(1) A hospital registered under section 3701.07 of the Revised Code that provides diagnostic imaging;

(2) An entity that is reviewed as part of a hospital accreditation or certification program and that provides diagnostic imaging;

(3) An ambulatory surgical facility that provides diagnostic imaging in conjunction with or during any portion of a surgical procedure.

Sec. 3702.31. (A) The quality monitoring and inspection fund is hereby created in the state treasury. The director of health shall use the fund to administer and enforce this section and sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 3702.33 of the Revised Code and rules adopted pursuant to those sections. The director shall deposit in the fund any moneys collected pursuant to this section or section 3702.32 of the Revised Code. All investment earnings of the fund shall be credited to the fund.

(B) The director of health shall adopt rules pursuant to Chapter 119. of the Revised Code establishing fees for both of the following:

(1) Initial and renewal license applications submitted under section 3702.30 of the Revised Code. The fees established under division (B)(1) of this section shall not exceed the actual and necessary costs of performing the activities described in division (A) of this section.

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of the Revised Code. The fees established under division (B)(2) of this section

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shall not exceed the actual and necessary costs incurred during an inspection, including any indirect costs incurred by the department for staff, salary, or other administrative costs. The director of health shall provide to each health care facility or provider inspected pursuant to section ~~3702.15~~ or 3702.30 of the Revised Code a written statement of the fee. The statement shall itemize and total the costs incurred. Within fifteen days after receiving a statement from the director, the facility or provider shall forward the total amount of the fee to the director.

(3) The fees described in divisions (B)(1) and (2) of this section shall meet both of the following requirements:

(a) ~~For each service described in section 3702.11 of the Revised Code, the fee shall not exceed one thousand seven hundred fifty dollars annually, except that the~~ The total fees charged to a health care provider under this section shall not exceed five thousand dollars annually.

(b) The fee shall exclude any costs reimbursable by the United States centers for medicare and medicaid services as part of the certification process for the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1935), 42 U.S.C.A. 1395, as amended, and the medicaid program established under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396.

(4) The director shall not establish a fee for any service for which a licensure or inspection fee is paid by the health care provider to a state agency for the same or similar licensure or inspection.

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected

to originate.

(F) "Secondary service area" means the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.

(G) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (I) of this section, an insurance company that issues sickness and accident insurance in conformity with Chapter 3923. of the Revised Code, a state-financed health insurance program under Chapter 3701. or 4123. of the Revised Code, the medicaid program, or any self-insurance plan.

(H) "Government unit" means the state and any county, municipal corporation, township, or other political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision.

(I) "Health maintenance organization" means a public or private organization organized under the law of any state that is qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9.

(J) "Existing long-term care facility" means either of the following:

(1) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed and equipped to provide long-term care services, and is actively providing long-term care services;

(2) A long-term care facility that is licensed or otherwise authorized to operate in this state in accordance with applicable law, including a county home or a county nursing home that is certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has beds ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds and has provided long-term care services for at least three hundred sixty-five consecutive days within the twenty-four months immediately preceding the date a certificate of need application is filed with the director of health.

(K) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions,

and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

(L) "Political subdivision" means a municipal corporation, township, county, school district, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.

(M) "Affected person" means:

(1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;

(2) The person that requested the reviewability ruling in question;

(3) Any person that resides or regularly uses long-term care facilities within the service area served or to be served by the long-term care services that would be provided under the certificate of need or reviewability ruling in question;

(4) Any long-term care facility that is located in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question;

(5) Third-party payers that reimburse long-term care facilities for services in the service area where the long-term care services would be provided under the certificate of need or reviewability ruling in question.

(N) "Long-term care facility" means, except as provided in section 3702.594 of the Revised Code, any of the following:

(1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(2) The portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act";

(3) The portion of any hospital that contains beds ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds.

(O) "Long-term care bed" or "bed" means a bed that is categorized as one of the following:

(1) A bed that is located in a facility that is a nursing home licensed under section 3721.02 of the Revised Code or a facility licensed by a political subdivision certified under section 3721.09 of the Revised Code and is included in the authorized maximum licensed capacity of the facility;

(2) A bed that is located in the portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility under the medicare program or a nursing facility under the medicaid

program and is included in the authorized maximum certified capacity of that portion of the facility;

(3) A bed that is ~~registered under section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed;

(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need approved by the director.

A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a long-term care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;

(2) An officer, director, trustee, or general partner of an applicant, of a long-term care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or represents widespread deficiencies resulting in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or represents widespread deficiencies resulting in immediate jeopardy to resident health or safety.

(U) "Existing bed" or "existing long-term care bed" means a bed from an existing long-term care facility, a bed described in division (O)(5) of this section, or a bed correctly reported as a long-term care bed pursuant to

section 5155.38 of the Revised Code.

Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after

receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. For either the standard or expedited review process, the director shall make a final determination regarding an application's completeness and issue a notice of the determination not later than one hundred eighty days after the date the director received the initial application.

The director's determination that an application is not complete is final and not subject to appeal.

(4) Except as necessary to comply with a subpoena issued under division (F) of this section, after a notice of completeness has been received, no person shall make revisions to information that was submitted to the director before the director mailed the notice of completeness or knowingly discuss in person or by telephone the merits of the application with the director. A person may supplement an application after a notice of completeness has been received by submitting clarifying information to the director.

(C) All of the following apply to the process of granting or denying a certificate of need:

(1) If the project proposed in a certificate of need application meets all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant a certificate of need for all or part of the project that is the subject of the application by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section.

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director, except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days

after mailing the notice of completeness unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness.

(5) Except as provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of

need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division (H) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

Sec. 3702.521. (A) Reviews of applications for certificates of need to recategorize hospital beds to skilled nursing beds shall be conducted in accordance with this division and rules adopted by the director of health.

(1) No hospital recategorizing beds shall apply for a certificate of need for more than twenty skilled nursing beds.

(2) No beds for which a certificate of need is requested under this division shall be reviewed under or counted in any formula developed under rules adopted by the director for the purpose of determining the number of long-term care beds that may be needed within the state.

(3) No beds shall be approved under this division unless the hospital certifies and demonstrates in the application that the beds will be dedicated

to patients with a length of stay of no more than thirty days.

(4) No beds shall be approved under this division unless the hospital can satisfactorily demonstrate in the application that it is routinely unable to place the patients planned for the beds in accessible skilled nursing facilities.

(5) In developing rules to implement this division, the director shall give special attention to the required documentation of the need for such beds, including the efforts made by the hospital to place patients in suitable skilled nursing facilities, and special attention to the appropriate size of units with such beds given the historical pattern of the applicant hospital's documented difficulty in placing skilled nursing patients.

(B) For assistance in monitoring the use of hospital beds recategorized as skilled nursing beds after August 5, 1989, the director shall adopt rules specifying appropriate quarterly procedures for reporting to the department of health.

(C) A patient may stay in a hospital bed that, after August 5, 1989, has been recategorized as a skilled nursing bed for more than thirty days if the hospital is able to demonstrate that it made a good faith effort to place the patient in an accessible skilled nursing facility acceptable to the patient within the thirty-day period, but was unable to do so.

(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the medicaid program.

(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates of need necessary for hospitals to engage in demonstration projects authorized by the federal government for the purpose of enhancing long-term quality of care and cost containment. Nothing in this section limits the ability of hospitals to develop swing bed programs in accordance with federal regulations.

No hospital that is granted a certificate of need after August 5, 1989, to recategorize hospital beds as skilled nursing beds is subject to sections 3721.01 to 3721.09 of the Revised Code. If the portion of the hospital in which the recategorized beds are located is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that portion of the hospital is subject to

sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of the Revised Code. If the beds are ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds, the beds are subject to sections 5168.40 to 5168.56 of the Revised Code.

Sec. 3702.55. A person that the director of health determines has violated section 3702.53 of the Revised Code shall cease conducting the activity that constitutes the violation or utilizing the facility resulting from the violation not later than thirty days after the person receives the notice mailed under section 3702.532 of the Revised Code or, if the person appeals the director's determination under section 3702.60 of the Revised Code, thirty days after the person receives an order upholding the director's determination that is not subject to further appeal.

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 or 3702.541 of the Revised Code:

~~(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;~~

~~(B)~~ The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

~~(C)~~~~(B)~~ A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, residential care facility, or home for the aging, or any beds within any of those facilities that are involved in the activity;

~~(D)~~~~(C)~~ The director of mental health and addiction services may refuse to license under section 5119.33 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

~~(E)~~~~(D)~~ The department of medicaid may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the

activity.

Sec. 3702.592. (A) The director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable to a replacement or relocation of existing beds from an existing long-term care facility within the same county:

(1) Approval of beds in a new long-term care facility or an increase of beds in an existing long-term care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended;

(3) An increase of hospital beds ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds;

(4) An increase of hospital beds ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as special skilled nursing beds that were originally authorized by and are operated in accordance with section 3702.521 of the Revised Code.

(B) The director shall accept applications described in division (A) of this section at any time.

Sec. 3702.593. (A) At the times specified in this section, the director of health shall accept, for review under section 3702.52 of the Revised Code, certificate of need applications for any of the following purposes if the proposed increase in beds is attributable solely to relocation of existing beds from an existing long-term care facility in a county with excess beds to a long-term care facility in a county in which there are fewer long-term care beds than the county's bed need:

(1) Approval of beds in a new long-term care facility or an increase of beds in an existing long-term care facility if the beds are proposed to be licensed as nursing home beds under Chapter 3721. of the Revised Code;

(2) Approval of beds in a new county home or new county nursing home, or an increase of beds in an existing county home or existing county nursing home if the beds are proposed to be certified as skilled nursing facility beds under the medicare program, Title XVIII of the "Social

Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1395, as amended, or nursing facility beds under the medicaid program, Title XIX of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C. 1396, as amended;

(3) An increase of hospital beds ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds.

(B) For the purpose of implementing this section, the director shall do all of the following:

(1) Not later than October 1, 2023, and every four years thereafter, determine the long-term care bed supply for each county, which shall consist of all of the following:

(a) Nursing home beds licensed under Chapter 3721. of the Revised Code;

(b) Beds certified as skilled nursing facility beds under the medicare program or nursing facility beds under the medicaid program;

(c) Beds in any portion of a hospital that are properly ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds, long-term care beds, or special skilled nursing beds;

(d) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;

(e) Beds described in division (O)(5) of section 3702.51 of the Revised Code.

(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;

(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent.

In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. A determination shall be made not later than October 1, 2023, and every four years thereafter. After each determination is made, the director shall publish the county's bed need on the web site maintained by the department of health.

(C) The director's consideration of an application for a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows:

(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for additional beds.

(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten per cent of the county's bed supply if the county's occupancy rate is greater than ninety per cent.

(D)(1) For the review process used in considering certificate of need applications, the director shall establish a review period that begins January 1, 2020, and ends December 31, 2023. Thereafter, the review period for each review process shall begin on the first day of January following the end of the previous review period and shall be four years.

(2) Certificate of need applications shall be accepted during the first month of the review period and reviewed through the thirtieth day of September of the year in which the review period begins.

(E) The director shall consider certificate of need applications in accordance with all of the following:

(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall not exceed the bed need of the receiving county;

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement.

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds;

(4) The director shall approve relocation of beds from a long-term care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following:

(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended;

(b) The area that is within a fifteen-mile radius of the facility's location, if the facility is not located in a health professional shortage area.

(F) Applications made under this section are subject to comparative review if two or more applications are submitted during the same review period and any of the following applies:

(1) The applications propose to relocate beds from the same county and

the number of beds for which certificates of need are being requested totals more than the number of beds available in the county from which the beds are to be relocated.

(2) The applications propose to relocate beds to the same county and the number of beds for which certificates of need are being requested totals more than the number of beds needed in the county to which the beds are to be relocated.

(3) The applications propose to relocate beds from the same service area and the number of beds left in the service area from which the beds are being relocated would be less than the state bed need rate determined by the director.

(G) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following as weighted priorities:

(1) Whether the beds will be part of a continuing care retirement community;

(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups;

(3) Whether the project in which the beds will be included will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services;

(4) Whether the long-term care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care;

(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds;

(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys;

(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds;

(8) Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay;

(9) Whether the long-term care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site;

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed.

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code.

(I) When a certificate of need application is approved, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated. If these beds are in a home licensed under Chapter 3721. of the Revised Code, the long-term care facility shall have the beds removed from the license. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the facility shall surrender the certification of these beds. If the beds are ~~registered~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds ~~under section 3701.07 of the Revised Code~~, the long-term care facility shall surrender the registration for these beds. This reduction shall be made not later than the completion date of the project for which the beds were relocated.

Sec. 3705.30. (A) As used in this section:

(1) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(2) "Hospital" ~~means a hospital classified under section 3701.07 of the Revised Code as a general hospital or children's hospital~~ has the same meaning as in section 3722.01 of the Revised Code.

(3) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) The director of health shall establish and, if funds for this purpose are available, implement a statewide birth defects information system for the collection of information concerning congenital anomalies, stillbirths, and abnormal conditions of newborns.

(C) If the system is implemented under division (B) of this section, all of the following apply:

(1) The director may require each physician, hospital, and freestanding birthing center to report to the system information concerning all patients under five years of age with a primary diagnosis of a congenital anomaly or abnormal condition. The director shall not require a hospital, freestanding birthing center, or physician to report to the system any information that is reported to the director or department of health under another provision of

the Revised Code or Administrative Code.

(2) On request, each physician, hospital, and freestanding birthing center shall give the director or authorized employees of the department of health access to the medical records of any patient described in division (C)(1) of this section. The department shall pay the costs of copying any medical records pursuant to this division.

(3) The director may review vital statistics records and shall consider expanding the list of congenital anomalies and abnormal conditions of newborns reported on birth certificates pursuant to section 3705.08 of the Revised Code.

(D) A physician, hospital, or freestanding birthing center that provides information to the system under division (C) of this section shall not be subject to criminal or civil liability for providing the information.

Sec. 3705.41. (A) As used in this section:

(1) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code.

(2) "Funeral services worker" means a person licensed as a funeral director or embalmer under Chapter 4717. of the Revised Code or an individual responsible for the direct final disposition of a deceased person.

(3) "Hospital" ~~means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and to which either of the following applies:~~

(a) ~~The hospital has a maternity unit.~~

(b) ~~The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth~~ has the same meaning as in section 3722.01 of the Revised Code.

(4) ~~"Maternity unit" means the distinct portion of a hospital licensed as a maternity unit under Chapter 3711. of the Revised Code.~~

(B) At least annually, the state registrar shall offer to provide training for appropriate staff of hospitals and freestanding birthing centers, as well as funeral services workers, on their responsibilities under the laws of this state and any rules adopted pursuant to those laws pertaining to vital records. If provided, the training shall cover correct data entry procedures and time limits for reporting vital statistics information for the purpose of ensuring accuracy and consistency of the system of vital statistics.

Sec. 3711.01. As used in this chapter:

(A) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section

3709.05 of the Revised Code.

(B) "Maternity home" means a facility for pregnant girls and women where accommodations, medical care, and social services are provided during the prenatal and postpartal periods. "Maternity home" does not include a private residence where obstetric or newborn services are received by a resident of the home.

~~(C) "Maternity unit" means a distinct portion of a hospital in which inpatient care is provided to women during all or part of the maternity cycle.~~

~~(D) "Newborn care nursery" means a distinct portion of a hospital in which inpatient care is provided to infants. "Newborn care nursery" includes a distinct portion of a hospital in which intensive care is provided to infants.~~

Sec. 3711.02. (A) Except as provided in division (B) of this section, no person shall operate ~~any of the following~~, a maternity home unless the person holds the appropriate license issued under this chapter and the license is valid:

- ~~(1) A maternity unit;~~
- ~~(2) A newborn care nursery;~~
- ~~(3) A maternity home.~~

(B) Division (A) of this section does not apply to a health care facility, as defined in section 3702.30 of the Revised Code.

Sec. 3711.04. Each person seeking to operate a ~~maternity unit, newborn care nursery, or~~ maternity home shall apply to the director of health for a license under this chapter. The application shall be submitted in the form and manner prescribed by the director in rules adopted under section 3711.12 of the Revised Code.

~~A single application and license is required if an applicant will operate both a maternity unit and newborn care nursery.~~

Sec. 3711.05. (A) The director of health shall review all applications received under section 3711.04 of the Revised Code. On receipt of a complete application, the director shall send a copy of the application to the board of health of the city or general health district in which the ~~maternity unit, newborn care nursery, or~~ maternity home is to be operated.

Unless the board finds that an applicant is not in compliance with an applicable health regulation adopted by the board, the board shall approve the application. The board shall notify the director of its determination to approve or disapprove the application. If the board does not notify the director of its determination by the end of the thirtieth day after the board receives the copy of the application, the application is deemed to have been approved by the board.

(B) The director shall issue a license to an applicant if all of the

following requirements are met:

(1) The board of health approves the application or the application is deemed to have been approved;

(2) The applicant meets the standards specified in rules adopted under section 3711.12 of the Revised Code;

(3) The applicant passes the inspection required by section 3711.06 of the Revised Code.

(C) On issuance of a license, the director shall notify the board of health to which the application was sent under division (A) of this section. In the notice, the director shall specify the terms that apply to the license.

Sec. 3711.06. The director of health shall inspect each ~~maternity unit, newborn care nursery, or~~ maternity home for which a person has applied for an initial license under section 3711.04 of the Revised Code prior to issuing the license. Inspections shall be conducted in accordance with inspection criteria, procedures, and guidelines adopted by the director under section 3711.12 of the Revised Code.

Sec. 3711.10. The director of health shall monitor compliance with this chapter and the rules adopted under it. The director may conduct inspections of a ~~maternity unit, newborn care nursery, or~~ maternity home as necessary to adequately monitor compliance with this chapter and the rules adopted under it. The inspections may be scheduled or random.

The board of health of the city or general health district in which a ~~maternity unit, newborn care nursery, or~~ maternity home is located may conduct inspections of the ~~unit, nursery, or~~ home as necessary to adequately monitor compliance with any applicable health regulation adopted by the board. The inspections may be scheduled or random.

Sec. 3711.12. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to implement the requirements of this chapter for licensure and operation of ~~maternity units, newborn care nurseries, and~~ maternity homes. The rules shall include provisions for the following:

(1) Licensure application forms and procedures;

(2) Renewal procedures, including procedures that address the right of the director of health, at the director's sole discretion, to conduct an inspection prior to renewal of a license;

(3) Initial license fees and license renewal fees;

(4) Fees for inspections conducted by the director under section 3711.10 of the Revised Code;

(5) Safety standards, quality-of-care standards, and quality-of-care data reporting requirements;

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(6) Reporting and auditing requirements;
(7) Inspection criteria, procedures, and guidelines;
(8) Application forms to be used and procedures to be followed in applying under section 3711.13 of the Revised Code for a variance or waiver of any of the requirements of the rules adopted under this section regarding the operation of a maternity home;

(9) Any other rules necessary to implement this chapter.

(B) When adopting rules under this section, the director shall give consideration to recommendations regarding obstetric and newborn care issued by the American college of obstetricians and gynecologists; American academy of pediatrics; American academy of family physicians; American society of anesthesiologists; American college of nurse-midwives; United States centers for disease control and prevention; association of women's health, obstetric and neonatal nurses; and association of perioperative registered nurses, or their successor organizations.

Sec. 3711.14. (A) In accordance with Chapter 119. of the Revised Code, the director of health may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars on a person who violates a provision of this chapter or the rules adopted under it;

(2) Summarily suspend, in accordance with division (B) of this section, a license issued under this chapter if the director believes there is clear and convincing evidence that the continued operation of a ~~maternity unit, newborn care nursery, or~~ maternity home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter

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119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a ~~maternity unit, newborn care nursery, or~~ maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the ~~unit, nursery, or~~ home. The court shall grant the order on a showing that the person is operating the ~~unit, nursery, or~~ home.

Sec. 3711.30. (A) As used in this section, "opioid" means ~~opium, opium derivatives, and synthetic opium substitutes~~ an opioid analgesic as defined in section 3719.01 of the Revised Code.

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity home shall report to the department of health the number of newborns born to residents of this state in the ~~unit, nursery, or~~ home during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information.

(C) The department shall establish standards and procedures for reporting the information required by this section. The information reported under this section shall not be used for law enforcement purposes or disclosed to law enforcement authorities.

(D) The department shall compile the information submitted under this section and make a summary of that information available to the public not later than ninety days after the end of each calendar year.

Sec. 3722.01. As used in this chapter:

(A) "Children's hospital" means either of the following:

(1) A hospital that provides general pediatric medical and surgical care in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(2) A distinct portion of a hospital that provides general pediatric medical and surgical care, has a total of at least one hundred fifty pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age.

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(B) "Health care service" means any of the following:

- (1) Pediatric intensive care;
- (2) Solid organ and bone marrow transplantation;
- (3) Stem cell harvesting and reinfusion;
- (4) Cardiac catheterization;
- (5) Open heart surgery;
- (6) Operation of linear accelerators;
- (7) Operation of cobalt radiation therapy units;
- (8) Operation of gamma knives.

(C) "Hospital" means an institution or facility that provides inpatient medical or surgical services for a continuous period longer than twenty-four hours. "Hospital" includes a children's hospital.

(D) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(E) "State university" has the same meaning as in section 3345.12 of the Revised Code.

Sec. 3722.02. (A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section, any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code.

(B) Beginning on the date that is three years after the effective date of this section, no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code.

(C) Division (A) of this section does not apply to any of the following:

- (1) A hospital operated by the federal government;
- (2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code;
- (3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code;
- (4) A hospital or inpatient unit licensed under section 5119.33 of the Revised Code;
- (5) A residential facility as defined in section 5119.34 of the Revised Code;
- (6) A residential facility as defined in section 5123.19 of the Revised Code;

(7) A community addiction services provider as defined in section 5119.01 of the Revised Code;

(8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;

(9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients;

(10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients;

(11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice;

(12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients;

(13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code.

(D)(1) If the director of health determines that a hospital is operating without a license in violation of this section, the director shall do any of the following:

(a) Notify the hospital that it is operating without a license and provide it with an opportunity to apply for licensure, but only within the thirty-day period beginning on the date the hospital received the director's notice;

(b) Direct the hospital to cease operations;

(c) Impose a civil penalty of not more than two hundred fifty thousand dollars;

(d) In addition to the penalty described in division (D)(1)(c) of this section, impose a penalty of not less than one thousand dollars and not more than ten thousand dollars for each day the hospital operates without a license.

(2) If the hospital described in division (D)(1) of this section continues to operate without a license, the director may petition the court of common pleas of the county in which the hospital is located for an order enjoining the hospital from operating.

Sec. 3722.03. (A) Subject to division (D) of this section, each person or

political subdivision, agency, or instrumentality of this state, including a state university, seeking to operate a hospital shall apply to the director of health for a license to operate a hospital.

The director of health shall not consider any application for licensure until the date that is one year after the effective date of this section. An application shall be submitted in the form and manner prescribed by the director in rules adopted under section 3722.06 of the Revised Code.

(B) To be eligible for a license, an applicant must satisfy all of the following:

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code;

(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code;

(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code;

(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds.

(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital.

(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code.

(3) Both of the following apply to a license issued under this section:

(a) The license is valid only for the hospital identified in the application.

(b) The license holder shall post a copy of the license in a conspicuous place in the hospital.

(D) This section does not prohibit the director of health from issuing a license to a hospital that does either or both of the following:

(1) Occupies space in a building that is also used by another hospital or hospitals;

(2) Occupies one or more buildings located on the same campus as

buildings used by another hospital or hospitals.

Sec. 3722.04. If a hospital licensed under this chapter is assigned, sold, or transferred to a new owner, within thirty days of the assignment, sale, or transfer, the new owner shall apply to the director of health for a license transfer. The application shall be submitted to the director in the form and manner prescribed in rules adopted under section 3722.06 of the Revised Code.

The new owner is responsible for compliance with any action taken or proposed by the director under section 3722.07 or 3722.08 of the Revised Code. If a notice has been issued under section 119.07 of the Revised Code, the new owner becomes party to the notice.

Sec. 3722.05. (A) Upon the filing of an initial application for licensure under section 3722.03 of the Revised Code, the director of health may inspect the hospital prior to issuing or denying the applicant a license to operate a hospital. An applicant may avoid such an inspection if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or accredited.

(B) When filing an application to renew a license issued under section 3722.03 of the Revised Code, an applicant may avoid an inspection by the director if the applicant submits with the application a copy of the hospital's most recent final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) demonstrating that the hospital is certified or accredited.

(C) For purposes of this section, a final on-site survey report from the federal centers for medicare and medicaid services or an accrediting organization submitted in accordance with this section is confidential and is not a public record under section 149.43 of the Revised Code.

(D) At least once every thirty-six months, the director shall inspect each licensed hospital's maternity unit, newborn care nursery, and any unit providing health care services.

(E) The director may at any time inspect a licensed hospital in order to address an incident that may impact public health, respond to a complaint submitted to the director, or otherwise ensure the safety of patients cared for by the hospital.

(F) Any inspection conducted under this section is subject to a fee. Upon conducting the inspection, the director shall provide the applicant or license holder with a fee statement. Not later than fifteen days after receiving the fee statement, the applicant or license holder shall submit to

the director the total amount of the fee.

Sec. 3722.06. (A) Not later than the date that is one year after the effective date of this section, the director of health shall adopt rules establishing health, safety, welfare, and quality standards for hospitals licensed under this chapter, including standards for all of the following:

- (1) Maternity units;
- (2) Newborn care nurseries;
- (3) Health care services.

(B) Not later than the date that is one year after the effective date of this section, the director shall adopt rules establishing standards and procedures for the licensure of hospitals, including all of the following:

(1) Procedures for applying and renewing licenses as described in section 3722.03 of the Revised Code;

(2) Procedures for transferring licenses as described in section 3722.04 of the Revised Code;

(3) Procedures for inspections following complaints;

(4) Subject to division (C)(1) of this section, fees for initial applications, license renewals, and license transfers, as well as inspections conducted under section 3722.05 of the Revised Code;

(5) Subject to division (C)(2) of this section, standards and procedures for imposing civil penalties as described in section 3722.07 of the Revised Code;

(6) Subject to division (C)(3) of this section, standards and procedures for correcting violations, including through the submission of correction plans;

(7) Standards and procedures for identifying, monitoring, managing, reporting, and reducing exposures to risk conditions, such as Legionella, including through the use of environmental facility assessments, the development of water management plans, and the use of disinfection measures;

(8) Standards and procedures for data reporting;

(9) Standards and procedures for emergency preparedness;

(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;

(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;

(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the hospital.

(C)(1) In the case of an inspection fee described in division (B)(4) of

this section, the director shall establish an amount to cover only the cost of the inspection. All other fees established under that division shall be limited to what is necessary to support the hospital licensure program.

(2) The director shall establish a scale for use in determining the amount of a civil penalty that may be imposed under section 3722.07 of the Revised Code. The scale shall include per day amounts for ongoing violations. The total amount of a civil penalty shall not exceed two hundred fifty thousand dollars for each violation.

(3) The director shall accept a corrective action plan that also was accepted by the federal centers for medicare and medicaid services or an accrediting organization approved under 42 U.S.C. 1395bb(a) provided that the plan was submitted to the centers or organization in response to the same deficiencies identified by the director.

(D) The director may adopt any other rules as necessary to implement this chapter.

(E) When adopting rules under this section, all of the following apply:

(1) The director shall adopt the rules in accordance with Chapter 119. of the Revised Code;

(2) Any rules adopted are not subject to division (F) of section 121.95 of the Revised Code;

(3) The director shall collaborate with representatives of this state's hospital industry to maximize the public health utility of rules adopted under this section and limit the administrative burden of and costs of complying with such rules.

(4) The director shall not adopt rules that conflict with requirements under federal laws or regulations.

Sec. 3722.07. (A) Each hospital licensed under this chapter shall comply with the requirements of this chapter and the rules adopted under it.

(B) In accordance with Chapter 119. of the Revised Code, if the director of health finds that a license holder has violated any requirement of this chapter or the rules adopted under it, the director may do any of the following:

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars;

(2) Require the license holder to submit a plan to correct or mitigate the violation;

(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it.

(C)(1) If the director takes action under division (B)(3) of this section,

the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following:

(a) The nature of the conditions giving rise to the director's judgment;

(b) The measures that the director determines the hospital must take to respond to the conditions;

(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it.

(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it.

(3) If the licensed hospital fails to notify the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director may suspend the health care service or revoke the license.

(D) If the director suspends a health care service or revokes a license under division (C) of this section, the director shall issue a written order of suspension or revocation and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. If the license holder subject to the suspension or revocation requests an adjudication, the date set for the adjudication shall be within seven days after the license holder makes the request, unless another date is agreed to by both the individual and the director. The suspension or revocation shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than fourteen days after completion of the adjudication. If the director does not issue a final order within the fourteen-day period, the suspension or revocation is void, but any final adjudication order issued subsequent to the fourteen-day

period shall not be affected.

(E) If the director issues a final adjudication order suspending a health care service or suspending or revoking a license issued under this chapter and the license holder continues to operate a hospital, the director may ask the attorney general to apply to the court of common pleas of the county in which the hospital is located for an order enjoining the license holder from operating the hospital.

Sec. 3722.08. (A) As used in this section, "imminent threat of harm" means imminent danger of serious physical or life-threatening harm to one or more occupants of a hospital.

(B) If, in the judgment of the director of health, an imminent threat of harm exists at any licensed hospital, the director may petition the court of common pleas of the county in which the hospital is located for such injunctive relief as is necessary to close the hospital, suspend a service within the hospital, transfer one or more occupants to other hospitals or other appropriate care settings, or otherwise eliminate the imminent threat of harm. The court has jurisdiction to grant such injunctive relief upon a showing that there is an imminent threat of harm. In such court proceeding, the hospital shall have an opportunity, before the court enters an order granting injunctive relief, to present evidence to the court that an imminent threat of harm does not exist or has been remedied.

(C)(1) If the director determines that an imminent threat of harm exists at a licensed hospital and elects not to immediately seek injunctive relief under division (B) of this section, the director may give written notice of proposed action to the hospital. The notice shall specify all of the following:

(a) The nature of the conditions giving rise to the imminent threat of harm;

(b) The measures that the director determines the hospital must take to respond to the conditions;

(c) The date on which the director intends to seek injunctive relief under division (B) of this section if the director determines that an imminent threat of harm remains at the hospital.

(2) If the licensed hospital notifies the director, within the time specified pursuant to division (C)(1)(c) of this section, that it believes the conditions giving rise to the imminent threat of harm have been substantially corrected, the director shall conduct an inspection to determine whether an imminent threat of harm remains. If the director determines on the basis of the inspection that an imminent threat of harm remains, the director may petition under division (B) of this section for injunctive relief.

(D) On finding that the imminent threat of harm for which injunctive

relief was granted under division (B) of this section has been eliminated and that the hospital has demonstrated the capacity to prevent the imminent threat of harm from recurring, the court shall lift the injunctive relief.

If the imminent threat of harm cannot be eliminated practicably within a reasonable time, the court may order the hospital to close, transfer all patients to other hospitals or other appropriate care settings, or suspend a service.

(E) The director of health shall give notice of proposed action under this section to the following:

- (1) The hospital's administrator;
- (2) The hospital's statutory agent.

A notice shall be delivered by hand or certified mail. If mailed, the notice shall be addressed to the persons specified in this section, as indicated in the department of health's records. If hand delivered, the notice shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them.

Sec. 3722.09. (A) The director of health may provide each licensed hospital with technical assistance in all of the following areas:

- (1) Infectious diseases, including measures to prevent and control their spread;
- (2) Quality improvement projects, including health equity and disparities;
- (3) Population health initiatives;
- (4) Data analytics;
- (5) Workforce recruitment and development.

(B) The director may engage with one or more quality improvement organizations to assist in providing technical assistance. The director may terminate the assistance of a quality improvement organization at any time.

(C) The director may use any fees and civil penalties collected under this chapter to fund the provision of technical assistance to licensed hospitals, including contracting with entities to provide training or technical assistance as determined necessary by the director.

Sec. 3722.10. Each hospital licensed under this chapter shall have a governing board to oversee the hospital's management, operation, and control. The governing board shall be responsible for overseeing the appointment, reappointment, and assignment of privileges to medical staff as described in section 3701.351 of the Revised Code.

Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined in section 3719.01 of the Revised Code.

- (B) Beginning on the date that is three years after the effective date of

this section, each hospital licensed under this chapter that operates a maternity unit or newborn care nursery shall report to the director of health the number of newborns born to residents of this state in the unit or nursery during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information. A third-party organization may report as described in this division on behalf of the hospital.

(C) The director shall establish standards and procedures for reporting the information required by this section, including reporting submitted by third-party organizations. The information reported under this section shall not be used for law enforcement purposes or disclosed to law enforcement authorities.

(D) The director shall compile the information submitted under this section and make a summary of that information available to the public not later than ninety days after the end of each calendar year.

Sec. 3722.12. (A) Beginning on the date that is three years after the effective date of this section, each hospital shall report to the director of health the contagious, environmental, or infectious diseases, illnesses, or health conditions or unusual infectious agents or biological toxins for which it provides treatment to patients. A third-party organization may report as described in this division on behalf of the hospital.

(B) The director shall adopt rules that do all of the following:

(1) Specify the diseases, illnesses, conditions, infectious agents, and biological toxins to be reported under this section;

(2) Specify the frequency with which a hospital shall report to the director under this section;

(3) Prescribe the manner in which a hospital or third-party organization shall report to the director under this section.

(C) Any information reported under this section shall be considered protected health information as described in section 3701.17 of the Revised Code and shall be released only in accordance with that section. Information that does not identify an individual may be released in summary, statistical, or aggregate form.

Sec. 3722.13. All initial license fees, renewal fees, fees for inspections conducted by the director of health and civil penalties collected under this chapter shall be deposited in the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code. The moneys shall be used solely for purposes of administering and enforcing this chapter and the rules adopted under it.

Sec. 3722.14. From the effective date of this section until the date that is three years after the effective date of this section, the requirements of this chapter apply only to a hospital that has obtained a license to operate issued under section 3722.03 of the Revised Code. Beginning on the date that is three years after the effective date of this section, each hospital is subject to the requirements of this chapter.

Sec. 3722.99. Beginning on the date that is three years from the effective date of this section, whoever violates division (B) of section 3722.02 of the Revised Code is guilty of a misdemeanor of the first degree and shall be liable for an additional penalty of one thousand dollars for each day of operation in violation of such division.

Sec. 3727.70. As used in this section and sections 3727.71 to 3727.79 of the Revised Code:

(A) "Admission" means a patient's admission to a hospital on an inpatient basis by a health care professional ~~specified in division (B)(1) of section 3727.06 of the Revised Code.~~

(B) "After-care" means assistance provided by a lay caregiver to a patient in the patient's residence after the patient's discharge and includes only the caregiving needs of the patient at the time of discharge.

(C) "Discharge" means the discharge or release of a patient who has been admitted to a hospital on an inpatient basis from the hospital directly to the patient's residence. "Discharge" does not include the transfer of a patient to another facility or setting.

(D) "Discharging health care professional" means a health care professional who is authorized ~~by division (B)(1) of section 3727.06 of the Revised Code~~ to admit a patient to a hospital and who has assumed responsibility for directing the creation of the patient's discharge plan under section 3727.75 of the Revised Code.

(E) "Guardian" has the same meaning as in section 2133.01 of the Revised Code.

(F) "Lay caregiver" means an adult designated under section 3727.71 of the Revised Code to provide after-care to a patient.

(G) "Lay caregiver designation" means the designation of a lay caregiver for a patient as described in section 3727.71 of the Revised Code.

(H)(1) "Patient's residence" means either of the following:

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home;

(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff.

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(2) "Patient's residence" does not include any of the following:

- (a) A hospital;
- (b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;
- (c) A veterans' home operated under Chapter 5907. of the Revised Code;
- (d) A residential facility, as defined in section 5119.34 of the Revised Code;
- (e) A residential facility, as defined in section 5123.19 of the Revised Code;
- (f) A hospice care program, as defined in section 3712.01 of the Revised Code;
- (g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;
- (h) Another facility similar to one specified in this division.

Sec. 3781.112. (A) As used in this section, "secured facility" means any of the following:

- (1) A ~~maternity unit, newborn care nursery, or~~ maternity home licensed under Chapter 3711. of the Revised Code;
- (2) A pediatric intensive care unit ~~subject to rules adopted by the director of health pursuant to section 3702.11 of the Revised Code;~~
- (3) A ~~children's hospital, as defined in section 3727.01~~ hospital licensed under Chapter 3722. of the Revised Code;
- (4) A hospital ~~that is~~ licensed under section 5119.33 of the Revised Code to receive mentally ill persons;
- (5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public.

(B) A secured facility may take reasonable steps in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, to deny egress to confine and protect patients or residents of the secured facility who are not capable of self-preservation. A secured facility that wishes to deny egress to those patients or residents may use delayed-egress doors and electronically coded doors to deny egress, on the condition that those doors are installed and used in accordance with rules the board of building

standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code. A secured facility also may install controlled-egress locks, in compliance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in compliance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, in areas of the secured facility where patients or residents who have physical or mental conditions that would endanger the patients or residents, the staff attending the patients or residents, or the general public if those patients or residents are not restricted in their freedom of movement. A secured facility that uses delayed-egress doors and electronically coded doors, controlled-egress locks, or both, shall do both of the following:

- (1) Provide continuous, twenty-four-hour custodial care to the patients or residents of the facility;
- (2) Establish a system to evacuate patients or residents in the event of fire or other emergency.

Sec. 3901.40. No insurance company, health insuring corporation, or self-insurance plan authorized to do business in this state shall include or provide in its policies or subscriber agreements for benefit payments or reimbursement for services in any hospital which is not ~~certified or accredited as provided in division (A) of section 3727.02~~ licensed under Chapter 3722. of the Revised Code. No hospital located in this state shall charge any insurance company, health insuring corporation, federal, state, or local government agency, or person for any services rendered unless the hospital is ~~certified or accredited as provided in division (A) of section 3727.02~~ licensed under Chapter 3722. of the Revised Code. "Hospital" as used in this section means only those institutions included within the definition of that term contained in section 3727.01 of the Revised Code, and the prohibitions in this section do not apply to facilities excluded from that definition.

Sec. 3929.67. (A) A medical liability insurance policy that insures a physician or podiatrist, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:

- (1) Nonpayment of premiums;
- (2) The license of the insured to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery has been suspended or revoked;

(3) The insured's failure to meet minimum eligibility and underwriting standards;

(4) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy;

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.

(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:

(1) Nonpayment of premiums;

(2) The hospital is not ~~certified or accredited in accordance with licensed under~~ Chapter ~~3727~~ 3722. of the Revised Code;

(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3722.08 of the Revised Code;

(4) The insured's failure to meet minimum eligibility and underwriting standards;

(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy;

(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.

Sec. 4723.431. (A)(1) An advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may practice only in accordance with a standard care arrangement entered into with each physician or podiatrist with whom the nurse collaborates. A copy of the standard care arrangement shall be retained on file by the nurse's employer. Prior approval of the standard care arrangement by the board of nursing is not required, but the board may periodically review it for compliance with this section.

A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement with one or more collaborating physicians or podiatrists. If a collaborating physician or podiatrist enters into standard care arrangements with more than five nurses, the physician or podiatrist shall not collaborate at the same time with more

than five nurses in the prescribing component of their practices.

Not later than thirty days after first engaging in the practice of nursing as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, the nurse shall submit to the board the name and business address of each collaborating physician or podiatrist. Thereafter, the nurse shall notify the board of any additions or deletions to the nurse's collaborating physicians or podiatrists. Except as provided in division (D) of this section, the notice must be provided not later than thirty days after the change takes effect.

(2) All of the following conditions apply with respect to the practice of a collaborating physician or podiatrist with whom a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may enter into a standard care arrangement:

(a) The physician or podiatrist must be authorized to practice in this state.

(b) Except as provided in division (A)(2)(c) of this section, the physician or podiatrist must be practicing in a specialty that is the same as or similar to the nurse's nursing specialty.

(c) If the nurse is a clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center or a certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center, the nurse may enter into a standard care arrangement with a physician but not a podiatrist and the collaborating physician must be practicing in one of the following specialties:

(i) Psychiatry;

(ii) Pediatrics;

(iii) Primary care or family practice.

(B) A standard care arrangement shall be in writing and shall contain all of the following:

(1) Criteria for referral of a patient by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to a collaborating physician or podiatrist or another physician or podiatrist;

(2) A process for the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to obtain a consultation with a collaborating physician or podiatrist or another physician or podiatrist;

(3) A plan for coverage in instances of emergency or planned absences of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

(4) The process for resolution of disagreements regarding matters of patient management between the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and a collaborating physician or podiatrist;

(5) Any other criteria required by rule of the board adopted pursuant to section 4723.07 or 4723.50 of the Revised Code.

(C)(1) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to supervise services provided by a home health agency as defined in section 3701.881 of the Revised Code.

(2) A standard care arrangement entered into pursuant to this section may permit a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to admit a patient to a hospital ~~in accordance with section 3727.06 of the Revised Code.~~

(D)(1) Except as provided in division (D)(2) of this section, if a physician or podiatrist terminates the collaboration between the physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist before their standard care arrangement expires, all of the following apply:

(a) The physician or podiatrist must give the nurse written or electronic notice of the termination.

(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an

employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

Sec. 4723.481. This section establishes standards and conditions regarding the authority of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner to prescribe and personally furnish drugs and therapeutic devices under a license issued under section 4723.42 of the Revised Code.

(A) Except as provided in division (F) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not prescribe or furnish any drug or therapeutic device that is listed on the exclusionary formulary established in rules adopted under section 4723.50 of the Revised Code.

(B) The prescriptive authority of a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not exceed the prescriptive authority of the collaborating physician or podiatrist, including the collaborating physician's authority to treat chronic pain with controlled substances and products containing tramadol as described in section 4731.052 of the Revised Code.

(C)(1) Except as provided in division (C)(2) or (3) of this section, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.

(b) A physician initially prescribed the substance for the patient.

(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, seventy-two-hour period.

(2) The restrictions on prescriptive authority in division (C)(1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following locations:

(a) A hospital ~~registered under section 3701.07~~ as defined in section 3722.01 of the Revised Code;

(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(c) A health care facility operated by the department of mental health

and addiction services or the department of developmental disabilities;

(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;

(f) A hospice care program, as defined in section 3712.01 of the Revised Code;

(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;

(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;

(i) A freestanding birthing center, as defined in section ~~3702.141~~ 3701.503 of the Revised Code;

(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;

(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;

(n) A residential care facility, as defined in section 3721.01 of the Revised Code.

(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(F) Until the board of nursing establishes a new formulary in rules adopted under section 4723.50 of the Revised Code, a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who prescribes or furnishes any drug or therapeutic device shall do so in accordance with the formulary established by the board prior to ~~the effective date of this amendment~~ April 6, 2017.

Sec. 4730.411. (A) Except as provided in division (B) or (C) of this section, a physician assistant may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code.

(2) The physician assistant's supervising physician initially prescribed the substance for the patient.

(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.

(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations:

(1) A hospital ~~registered under section 3701.07~~ as defined in section 3722.01 of the Revised Code;

(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;

(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;

(6) A hospice care program, as defined in section 3712.01 of the Revised Code;

(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;

(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;

(9) A freestanding birthing center, as defined in section ~~3702.141~~

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3701.503 of the Revised Code;

(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;

(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site.

(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

Sec. 4731.31. (A) As used in this section:

(1) "Rural hospital" means a hospital agency, as defined in section 140.01 of the Revised Code, that meets all of the following criteria:

(a) Is in compliance with ~~section 3727.02 of the Revised Code and the registration requirement of division (A) of section 3701.07~~ Chapter 3722. of the Revised Code;

(b) Is located in a county that has a population of less than one hundred twenty-five thousand.

(2) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(B) Subject to division (C) of this section, a rural hospital or a health care facility that is owned or operated by a rural hospital may employ a physician. A hospital or facility that employs a physician in accordance with this section is not engaged in the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in violation of section 4731.41, 4731.43, or 4731.60 of the Revised Code.

(C) No rural hospital or health care facility owned or operated by a rural hospital shall do either of the following:

(1) Control the professional clinical judgment exercised within accepted and prevailing standards of practice of a physician employed pursuant to this section in rendering care, treatment, or professional advice to an individual patient;

(2) Require that a physician be employed by the hospital or facility as a condition of granting the physician privileges to practice within the hospital or facility.

Sec. 4761.01. As used in this chapter:

(A) "Respiratory care" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the evaluation of cardiopulmonary function, the treatment of cardiopulmonary impairment, the assessment of treatment effectiveness, and the care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The practice of respiratory care includes:

(1) Obtaining, analyzing, testing, measuring, and monitoring blood and gas samples in the determination of cardiopulmonary parameters and related physiologic data, including flows, pressures, and volumes, and the use of equipment employed for this purpose;

(2) Administering, monitoring, recording the results of, and instructing in the use of medical gases, aerosols, and bronchopulmonary hygiene techniques, including drainage, aspiration, and sampling, and applying, maintaining, and instructing in the use of artificial airways, ventilators, and other life support equipment employed in the treatment of cardiopulmonary impairment and provided in collaboration with other licensed health care professionals responsible for providing care;

(3) Performing cardiopulmonary resuscitation and respiratory rehabilitation techniques;

(4) Administering medications for the testing or treatment of cardiopulmonary impairment.

(B) "Respiratory care professional" means a person who is licensed under this chapter to practice the full range of services described in division (A) of this section.

(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse.

(E) "Hospital" ~~means a facility that meets the operating standards of section 3727.02~~ has the same meaning as in section 3722.01 of the Revised Code.

(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

SECTION 130.11. That existing sections 111.15, 140.01, 3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 are hereby repealed.

SECTION 130.12. That sections 3702.11, 3702.12, 3702.13, 3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, 3727.99, and 5703.95 of the Revised Code are hereby repealed.

SECTION 130.13. (A) The amendment and repeal of Revised Code sections by Sections 130.10, 130.11, and 130.12 of this act take effect on the date that is three years after the effective date of this section.

(B) The enactment of sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised Code by Section 130.10 of this act takes effect on the effective date of this section.

SECTION 130.14. (A) Not later than the date that is three years from the effective date of this section, each hospital shall comply with the requirements for initial licensure as established under Chapter 3722. of the Revised Code and rules adopted under it by the director of health. As each hospital is licensed, the director of health, or designee, shall assign the hospital to one of three licensure groups. The first group shall renew its license at the end of the first year. The second group shall renew its license

at the end of the second year. The third group shall renew its license at the end of the third year.

(B)(1) All initial licenses issued shall contain the renewal date according to division (A) of this section. Each hospital shall renew by the renewal date, meet the renewal application requirements established in rule, and pay the fee as set forth in division (B)(2) of this section.

(2) Each hospital that renews its license in the first year shall pay a renewal fee that is one-third of the renewal fee established in rules adopted by the director of health. Each hospital that renews its license in the second year shall pay a renewal fee that is two-thirds of the renewal fee established in rules adopted by the director of health. Each hospital that renews its license in the third year shall pay the renewal fee as established in rules adopted by the director of health.

(3) Each renewal license issued under this section shall be valid for three years such that each year thereafter one-third of hospitals will renew their licenses.

(C) Renewal licenses issued under division (B) of this section shall be renewed following the renewal procedure set forth in rule, including payment of the renewal fee.

SECTION 130.20. That sections 9.78, 9.79, and 4798.01 of the Revised Code be amended to read as follows:

Sec. 9.78. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means both of the following:

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession;

(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political subdivision.

(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the

individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination.

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make all of the following available to the public on the licensing authority's internet web site:

(1) A list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the license or, as applicable, the individual's employee, holds a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

(3) A reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(D) A licensing authority shall include on any form, policy, manual, or other material that lists criminal offenses, the conviction of which would disqualify an individual from obtaining a license issued or conferred by that licensing authority, a statement that a disqualification may be overcome by the individual applying for the license or, as applicable, by the individual's employee, holding a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code, including a reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(E) Any predetermination form, nonconviction statement form, or other form used by a licensing authority to determine whether a conviction or

adjudication record disqualifies an applicant from obtaining a particular license shall include a section requesting the applicant to provide information if they are a recipient of a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code.

Sec. 9.79. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession.

(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.

(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(5) "State agency" has the same meaning as in section 1.60 of the Revised Code.

(6) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(7) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(8) "Fiduciary duty" means a duty to act for someone else's benefit, while subordinating one's personal interest to that of the other person.

(B)(1) Notwithstanding any provision of the Revised Code to the contrary, for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after the effective date of this section a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in adopting the list, shall do both of the following:

(a) Identify each disqualifying offense by name or by the Revised Code section number that creates the offense;

(b) Include in the list only criminal offenses that are directly related to

the duties and responsibilities of the licensed occupation.

(2) The licensing authority may include in the list an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any section or offense included in the list adopted under division (B)(1) of this section.

(C)(1) Except as provided in division (C)(2) or (D) of this section, a licensing authority shall not refuse to issue an initial license to an individual based on any of the following:

(a) Solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(b) A criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty;

(c) A nonspecific qualification such as "moral turpitude" or lack of "moral character";

(d) A disqualifying offense included on the list adopted under division (B) of this section, if consideration of that offense occurs after the time periods permitted in division (D) of this section.

(2) If the individual was convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense included in the list adopted under division (B) of this section for the license for which the individual applied, the licensing authority may take the conviction, judicial finding of guilt, or plea of guilty into consideration in accordance with division (D) of this section.

(D)(1) A licensing authority that may, under this section, consider a conviction of, judicial finding of guilt of, or plea of guilty to an offense in determining whether to refuse to issue an initial license to an individual shall consider all of the following factors and shall use a preponderance of the evidence standard in evaluating those factors to determine whether the conviction, judicial finding of guilt, or plea of guilty disqualifies the individual from receiving the license:

(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty;

(b) The passage of time since the individual committed the offense;

(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;

(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of

the Revised Code;

(e) Whether the denial of a license is reasonably necessary to ensure public safety.

(2) A licensing authority may take a disqualifying offense into account only during the following time periods:

(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that does not involve a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of, and did not enter a plea of guilty to any other offense during the applicable period:

(i) Five years from the date of conviction, judicial finding of guilt, or plea of guilty;

(ii) Five years from the date of the release from incarceration;

(iii) The time period specified in division (D)(3) of this section.

(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involves a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, whichever of the following is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of, and did not enter a plea of guilty to any other offense during the applicable period:

(i) Ten years from the date of conviction, judicial finding of guilt, or plea of guilty;

(ii) Ten years from the date of the release from incarceration;

(iii) The time period specified in division (D)(4) of this section.

(c) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time.

(3) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:

(a) If the community control sanction, parole, or post-release control sanction was for a term of less than five years, the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal five years;

(b) If the community control sanction, parole, or post-release control sanction was for a term of five years or more, the period of the community

control sanction, parole, or post-release control sanction.

(4) If an individual is subject to a community control sanction, parole, or post-release control sanction based on a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that involved a breach of fiduciary duty and that is not an offense of violence or a sexually oriented offense, a licensing authority may take the offense into account during the following time periods:

(a) If the community control sanction, parole, or post-release control sanction was for a term of less than ten years, for the period of the community control sanction, parole, or post-release control sanction plus the number of years after the date of final discharge of the community control sanction, parole, or post-release control sanction necessary to equal ten years;

(b) If the community control sanction, parole, or post-release control sanction was for a term of ten years or more, the period of the community control sanction, parole, or post-release control sanction.

(E) If a licensing authority refuses to issue an initial license to an individual pursuant to division (D) of this section, the licensing authority shall notify the individual in writing of all of the following:

(1) The grounds and reasons for the refusal, including an explanation of the licensing authority's application of the factors under division (D) of this section to the evidence the licensing authority used to reach the decision;

(2) The individual's right to a hearing regarding the licensing authority's decision under section 119.06 of the Revised Code;

(3) The earliest date the individual may reapply for a license;

(4) Notice that evidence of rehabilitation may be considered on reapplication.

(F) In an administrative hearing or civil action reviewing a licensing authority's refusal to issue an initial license under this section, the licensing authority has the burden of proof on the question of whether the individual's conviction of, judicial finding of guilt of, or plea of guilty to an offense directly relates to the licensed occupation.

(G) A licensing authority that is authorized by law to limit or otherwise place restrictions on a license may do so to comply with the terms and conditions of a community control sanction, post-release control sanction, or an intervention plan established in accordance with section 2951.041 of the Revised Code.

(H) Each licensing authority shall adopt any rules that it determines are necessary to implement this section.

(I) This section does not apply to any of the following:

(1) Any position for which appointment requires compliance with section 109.77 of the Revised Code or in which an individual may satisfy the requirements for appointment or election by complying with that section;

(2) Any position for which federal law requires disqualification from licensure or employment based on a conviction of, judicial finding of guilt of, or plea of guilty to an offense;

(3) Community-based long-term care services certificates and community-based long-term care services contracts or grants issued under section 173.381 of the Revised Code;

(4) Certifications of a provider to provide community-based long-term care services under section 173.391 of the Revised Code;

(5) Certificates of authority to a health insuring corporation issued under section 1751.05 of the Revised Code;

(6) Licenses to operate a home or residential care facility issued under section 3721.07 of the Revised Code;

(7) Certificates of authority to make contracts of indemnity issued under section 3931.10 of the Revised Code.

(J) Nothing in this section prohibits a licensing authority from considering either of the following when making a determination whether to issue a license to an individual:

(1) Past disciplinary action taken by the licensing authority against the individual;

(2) Past disciplinary action taken against the individual by an authority in another state that issues a license that is substantially similar to the license for which the individual applies.

(K) Notwithstanding any provision of the Revised Code to the contrary, if a licensing authority issues a license to an individual after considering a conviction of, judicial finding of guilt of, or plea of guilty to an offense under division (D) of this section, the licensing authority shall not refuse to renew the individual's license based on that conviction, judicial finding of guilt, or plea of guilty.

Sec. 4798.01. (A) As used in this chapter:

"Certification" means a voluntary program in which a private organization or the state grants nontransferable recognition to an individual who meets personal qualifications established by the private organization or state law.

"Individual" means a natural person.

"Lawful occupation" means a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to

sell irrespective of whether the individual selling the goods or services is subject to an occupational regulation.

"Least restrictive regulation" means the public policy of relying on one of the following, listed from the least to the most restrictive, as a means of consumer protection: market competition; third-party or consumer-created ratings and reviews; private certification; specific private civil cause of action to remedy consumer harm; actions under Chapter 1345. of the Revised Code; regulation of the process of providing the specific goods or services to consumers; inspection; bonding or insurance; registration; government certification; specialty occupational license for medical reimbursement; and occupational license.

"Occupational license" means nontransferable authorization in law that an individual must possess in order to perform a lawful occupation for compensation based on meeting personal qualifications established by statute, or by a rule authorized by statute. "Occupational license" does not include a commercial or other driver's license issued under the Revised Code.

"Occupational licensing board" means any board, commission, committee, or council, or any other similar state public body, and any administrative department enumerated under section 121.02 of the Revised Code, and any agency, division, or office of state government, that issues an occupational license. "Occupational licensing board" does not include a committee or office created under section 101.34 of the Revised Code.

"Occupational regulation" means a statute, policy, rule, adjudication order, practice, or other state law requiring an individual to possess certain personal qualifications to use an occupational title or work in a lawful occupation. "Occupational regulation" includes registration, certification, and occupational license. "Occupational regulation" excludes a business license, facility license, building permit, or zoning and land use regulation, except to the extent those laws regulate an individual's personal qualifications to perform a lawful occupation, and excludes sections of the Revised Code related to commercial or other driver's license.

"Personal qualifications" mean criteria related to an individual's personal background and characteristics including completion of an approved educational program, satisfactory performance on an examination, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

"Registration" means a requirement to give notice to the government that may include the individual's name and address, the individual's agent

for service of process, the location of the activity to be performed, and a description of the service the individual provides. "Registration" does not include personal qualifications but may require a bond or insurance.

"Specialty occupational license for medical reimbursement" is a nontransferable authorization in law for an individual to qualify for payment or reimbursement from a government agency, for providing identified medical services, based on meeting personal qualifications established in law, which may be recognized by a private company.

(B) For purposes of this chapter:

(1) The terms "certification" and "registration" are not synonymous with "occupational license."

(2) The use of the words "certification" and "certified" in other statutes to mean requiring an individual to meet certain personal qualifications to work legally shall be interpreted for the purposes of this chapter as requiring an individual to meet the requirements of an "occupational license."

(3) The use of the words "registration" and "registered" in other statutes to mean requiring an individual to meet certain personal qualifications to work legally shall be interpreted for the purposes of this chapter as requiring an individual to meet the requirements of an "occupational license."

SECTION 130.21. That existing sections 9.78, 9.79, and 4798.01 of the Revised Code are hereby repealed.

SECTION 130.22. That the version of section 9.78 of the Revised Code that is scheduled to take effect October 9, 2021, be amended to read as follows:

Sec. 9.78. (A) As used in this section:

(1) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing authority to an individual by which the individual has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing authority has jurisdiction. "License" does not include a registration under section 101.72, 101.92, or 121.62 of the Revised Code.

(2) "Licensing authority" means both of the following:

(a) A board, commission, or other entity that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession;

(b) A political subdivision that issues a license or that charges a fee for an individual to practice an occupation or profession in that political

subdivision.

(B) An individual who has been convicted of any criminal offense may request, at any time, that a licensing authority determine whether the individual's criminal conviction disqualifies the individual from obtaining a license issued or conferred by the licensing authority. An individual making such a request shall include details of the individual's criminal conviction and any payment required by the licensing authority. A licensing authority may charge a fee of not more than twenty-five dollars for each request made under this section, to reimburse the costs it incurs in making the determination.

Not later than thirty days after receiving a request under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired. A licensing authority is not bound by a determination made under this section, if, on further investigation, the licensing authority determines that the individual's criminal convictions differ from the information presented in the determination request.

(C) A licensing authority shall make all of the following available to the public on the licensing authority's internet web site:

(1) A list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority;

(2) That a disqualification referenced in division (C)(1) of this section may be overcome if the individual applying for the license or, as applicable, the individual's employee, holds a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code;

(3) A reference to the certificate of qualification for employment web site maintained by the department of rehabilitation and correction.

(D) A licensing authority shall include on any form, policy, manual, or other material that lists criminal offenses, the conviction of which would disqualify an individual from obtaining a license issued or conferred by that licensing authority, a statement that a disqualification may be overcome by the individual applying for the license or, as applicable, by the individual's employee, holding a certificate of qualification for employment issued under section 2953.25 of the Revised Code or a certificate of achievement and employability issued under section 2961.22 of the Revised Code, including a reference to the certificate of qualification for employment web site

maintained by the department of rehabilitation and correction.

(E) Any predetermination form, nonconviction statement form, or other form used by a licensing authority to determine whether a conviction or adjudication record disqualifies an applicant from obtaining a particular license shall include a section requesting the applicant to provide information if they are a recipient of a certificate of qualification for employment under section 2953.25 of the Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code.

(F)(1) Each licensing authority described in division (A)(2)(a) of this section annually shall provide to the director of administrative services the following information for each license the licensing authority is authorized to issue:

- (a) The number of applications received for the license;
- (b) The number of those applications that resulted in a license being granted;
- (c) The number of those applications that resulted in a license being denied;
- (d) A list of criminal offenses reported by individuals who were granted a license;
- (e) A list of criminal offenses reported by individuals who were denied a license;
- (f) A list of all of the requests received by the licensing authority under division (B) of this section that includes the following information:
 - (i) The number of requests for which the licensing authority determined that an individual's criminal conviction disqualified the individual from obtaining a license issued by the licensing authority;
 - (ii) The number of requests for which the licensing authority determined that an individual's criminal conviction did not disqualify the individual from obtaining a license issued by the licensing authority;
 - (iii) A list of the offenses reported by individuals described in division (F)(1)(f)(i) of this section;
 - (iv) A list of the offenses reported by individuals described in division (F)(1)(f)(ii) of this section.
- (g) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to the disqualifying offense who were issued a license.
- (h) For each disqualifying offense included on the list adopted under division (B) of section 9.79 of the Revised Code, the number of individuals who were convicted of, found guilty pursuant to a judicial finding of, or

pleaded guilty to the disqualifying offense who were denied a license.

(i) Any other information the director may require.

(2) The first report of information required under division (F)(1) of this section shall be submitted to the director by June 30, 2021, and include the required information from January 1, 2016, to December 31, 2020, if available. Each year thereafter, each licensing authority shall submit the required information from the past year by the thirtieth day of June.

(3) The director shall compile the information submitted pursuant to division (F)(1) of this section and annually publish it in a searchable format on a web site created and maintained by the director. The director may adopt rules in accordance with Chapter 119. of the Revised Code as the director determines necessary to implement division (F) of this section.

SECTION 130.23. That the existing version of section 9.78 of the Revised Code that is scheduled to take effect October 9, 2021, is hereby repealed.

SECTION 130.24. That Sections 130.22 and 130.23 of this act take effect October 9, 2021.

SECTION 130.25. That the versions of sections 101.721, 101.921, and 121.621 of the Revised Code resulting from H.B. 263 of the 133rd General Assembly that are scheduled to take effect October 9, 2021, are hereby repealed.

SECTION 130.26. That Section 2 of H.B. 263 of the 133rd General Assembly be amended to read as follows:

Sec. 2. That existing sections 9.78, ~~101.721, 101.921~~, 109.572, 121.22, ~~121.621~~, 147.01, 147.011, 147.05, 169.16, 169.17, 903.05, 921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 4517.09, 4517.12, 4517.13,

4517.14, 4517.171, 4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 4731.299, 4731.52, 4731.531, 4731.573, 4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 4747.051, 4747.10, 4747.12, 4749.03, 4751.20, 4751.202, 4751.21, 4751.32, 4752.09, 4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47, 4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 4757.23, 4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30, 4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 5123.452, and 5502.011 of the Revised Code are hereby repealed.

SECTION 130.27. That existing Section 2 of H.B. 263 of the 133rd General Assembly is hereby repealed.

SECTION 130.28. The repeal of the future versions of sections 101.721, 101.921, and 121.621 of the Revised Code in Section 130.25 of this act and the repeal of the future existing repeal of those sections in Sections 130.26 and 130.27 of this act removes the limitation on the continued existence of the versions of those sections in effect prior to H.B. 263 of the 133rd General Assembly. The versions of those sections are presented below, without amendment, to confirm their continued application:

Sec. 101.721. (A) No person shall be permitted to register as a legislative agent under division (A) or (B) of section 101.72 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any of the following offenses that is a

felony:

(1) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(2) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(1) of this section;

(4) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (A)(2) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(5) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A)(1) or described in division (A)(3) of this section;

(6) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (A)(2) or described in division (A)(4) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the violation in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

(B) If a legislative agent has registered with the joint legislative ethics committee under division (A) or (B) of section 101.72 of the Revised Code and, on or after the effective date of this section and during the period during which the registration is valid, the legislative agent is convicted of or pleads guilty to any felony offense listed or described in division (A)(1), (2), (3), (4), (5), or (6) of this section in the circumstances specified in the particular division, the joint legislative ethics committee immediately upon becoming aware of the conviction or guilty plea shall terminate the registration of the person as a legislative agent, and, after the termination, the ban imposed under division (A) of this section applies to the person.

(C) The ban imposed under division (A) of this section is a lifetime ban,

and the offender is forever disqualified from registering as a legislative agent under section 101.72 of the Revised Code.

(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the effective date of this section.

(E) As used in this section, "public office" means any elected federal, state, or local government office in this state.

Sec. 101.921. (A) No person shall be permitted to register as a retirement system lobbyist under division (A) or (B) of section 101.92 of the Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division.

(B) If a retirement system lobbyist has registered with the joint legislative ethics committee under division (A) or (B) of section 101.92 of the Revised Code, and, on or after the effective date of this section and during the period during which the registration is valid, the retirement system lobbyist is convicted of or pleads guilty to any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division, the joint legislative ethics committee immediately upon becoming aware of the conviction or guilty plea shall terminate the registration of the person as a retirement system lobbyist, and, after the termination, the ban imposed under division (A) of this section applies to the person.

(C) The ban imposed under division (A) of this section is a lifetime ban, and the offender is forever disqualified from registering as a retirement system lobbyist under section 101.92 of the Revised Code.

(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the effective date of this section.

Sec. 121.621. (A) No person shall be permitted to register as an executive agency lobbyist under division (A) or (B) of section 121.62 of the

Revised Code if the person is convicted of or pleads guilty to committing on or after the effective date of this section any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division.

(B) If an executive agency lobbyist has registered with the joint legislative ethics committee under division (A) or (B) of section 121.62 of the Revised Code and, on or after the effective date of this section and during the period during which the registration is valid, the executive agency lobbyist is convicted of or pleads guilty to any felony offense listed or described in divisions (A)(1) to (6) of section 101.721 of the Revised Code in the circumstances specified in the particular division, the joint legislative ethics committee immediately upon becoming aware of the conviction or guilty plea shall terminate the registration of the person as an executive agency lobbyist, and, after the termination, the ban imposed under division (A) of this section applies to the person.

(C) The ban imposed under divisions (A) and (B) of this section is a lifetime ban, and the offender is forever disqualified from registering as an executive agency lobbyist under section 121.62 of the Revised Code.

(D) For purposes of divisions (A) and (B) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after the effective date of this section" if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after the effective date of this section.

SECTION 130.30. Section 5540.02 of the Revised Code was amended by both H.B. 627 of the 121st General Assembly and H.B. 74 of the 134th General Assembly. Due to technical error, the version of the section included in H.B. 74 of the 134th General Assembly did not reflect the amendments made by H.B. 627 of the 121st General Assembly. The section is presented below without amendment to confirm the harmonization and continued application of amendments made by those acts.

Sec. 5540.02. (A) A transportation improvement district may be created by the board of county commissioners of a county. The board, by resolution, shall determine the structure of the board of trustees of the transportation improvement district it creates by adopting the structure contained either in division (C)(1) or (2) of this section.

(B) A transportation improvement district is a body both corporate and politic, and the exercise by it of the powers conferred by this chapter in the

financing, construction, maintenance, repair, and operation of a project are and shall be held to be essential governmental functions.

(C)(1) If the board of county commissioners so elects, a transportation improvement district shall be governed by a board of trustees consisting of the following members:

(a) Two members appointed by the board of county commissioners;

(b) Three members appointed by the legislative authority of the most populous municipal corporation in the district;

(c) Two members appointed by the legislative authority of the second most populous municipal corporation in the district;

(d) Two members appointed by the board of township trustees of the township in the county that is most populous in its unincorporated area;

(e) The county engineer;

(f) One member appointed by the legislative authority of any township or municipal corporation that cannot otherwise appoint a member to the board pursuant to this section, and that is wholly or partially within the area of the transportation improvement district as the district was originally designated by the board of county commissioners;

(g) If the area of a transportation improvement district is expanded by the board of county commissioners, the legislative authority of any township or municipal corporation that is wholly or partially within the area of expansion and that cannot otherwise appoint a member to the board pursuant to this section, with the consent of the board of trustees of the district, may appoint one member to the board;

(h) One member appointed by the regional planning commission for the county, who shall be a nonvoting member of the board.

One of each of the appointments made by the board of county commissioners, the legislative authority of a municipal corporation, and the board of township trustees under divisions (C)(1)(a), (b), (c), and (d) of this section, shall be members of the chamber of commerce for the respective political subdivision.

Whenever the addition of members to the board of trustees of a transportation improvement district pursuant to division (C)(1)(f) or (g) of this section results in an even number of total voting members on the board, the board of trustees of the district may appoint an additional person to its membership to maintain an odd number of voting members.

(2) As an alternative to the structure prescribed in division (C)(1) of this section, a board of county commissioners, by resolution, may elect that the transportation improvement district it creates be governed by a board of trustees consisting of five members appointed by the board of county

commissioners.

(D) Each appointed member of the board shall hold office for a term of two years but subject to removal at the pleasure of the authority that appointed the member. Members may be reappointed. Except as otherwise provided in this division, any vacancy on the board shall be filled in the same manner as the original appointment. Any vacancy on a board appointed under division (C)(1) of this section lasting longer than thirty days due to the failure of the legislative authority of a municipal corporation or a board of township trustees to make an appointment shall be filled by the board of trustees of the transportation improvement district.

(E) The voting members of the board shall elect from the entire board membership a chairperson, vice-chairperson, and secretary-treasurer. A majority of the voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all duties of the district.

(F) The board of county commissioners of the county, the legislative authority of any municipal corporation, and the board of township trustees of any township that is part of the district, may make appropriations from moneys available to them and not otherwise appropriated, to pay costs incurred by the district in the exercise of its functions under this chapter.

(G) An organizational meeting of the board of trustees of a transportation improvement district created under this section shall be held at the time and place designated by the board member who has served the most years as a member of the board of county commissioners that created the transportation improvement district.

SECTION 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2022 and the amounts in the second column are for fiscal year 2023.

SECTION 203.10. ACC ACCOUNTANCY BOARD OF OHIO

Dedicated Purpose Fund Group

4J80	889601	CPA Education Assistance	\$	525,000	\$	525,000
4K90	889609	Operating Expenses	\$	1,244,124	\$	1,291,139
TOTAL DPF Dedicated Purpose Fund Group			\$	1,769,124	\$	1,816,139

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TOTAL ALL BUDGET FUND GROUPS	\$	1,769,124	\$	1,816,139
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SECTION 205.10. ADJ ADJUTANT GENERAL

General Revenue Fund

GRF 745401	Ohio Military Reserve	\$	9,500	\$	9,800
GRF 745404	Air National Guard	\$	1,750,000	\$	1,811,250
GRF 745407	National Guard Benefits	\$	174,000	\$	174,000
GRF 745409	Central Administration	\$	2,940,167	\$	3,025,550
GRF 745499	Army National Guard	\$	3,600,000	\$	3,726,000
GRF 745503	Ohio Cyber Reserve	\$	750,000	\$	750,000
GRF 745504	Ohio Cyber Range	\$	2,100,000	\$	2,100,000
GRF 745505	State Active Duty	\$	50,000	\$	50,000
TOTAL GRF	General Revenue Fund	\$	11,373,667	\$	11,646,600

Dedicated Purpose Fund Group

5340 745612	Property Operations Management	\$	900,000	\$	900,000
5360 745605	Marksmanship Activities	\$	115,000	\$	115,000
5360 745620	Camp Perry and Buckeye Inn Operations	\$	874,055	\$	874,055
5370 745604	Ohio National Guard Facilities Maintenance	\$	190,000	\$	190,000
5CV1 745632	Coronavirus Relief - ADJ	\$	1,000,000	\$	0
5LY0 745626	Military Medal of Distinction	\$	5,000	\$	5,000
5U80 745613	Community Match Armories	\$	350,000	\$	350,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	3,434,055	\$	2,434,055

Federal Fund Group

3420 745616	Army National Guard Service Agreement	\$	26,252,590	\$	26,636,202
3E80 745628	Air National Guard Operations and Maintenance	\$	14,476,985	\$	14,881,509
3R80 745603	Counter Drug Operations	\$	15,000	\$	15,382
TOTAL FED	Federal Fund Group	\$	40,744,575	\$	41,533,093
TOTAL ALL BUDGET FUND GROUPS		\$	55,552,297	\$	55,613,748

SECTION 205.20. NATIONAL GUARD BENEFITS

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.

OHIO CYBER RESERVE

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyberattacks and incidences under sections 5922.01, 5922.02, and 5922.08 of the Revised Code.

OHIO CYBER RANGE

The foregoing appropriation item 745504, Ohio Cyber Range, shall be used by the Adjutant General's Department to establish and maintain the cyber range for purposes of providing cyber training and education to K-12 students, higher education students, members of the Ohio National Guard, federal employees, and state and local government employees, and provide for emergency preparedness exercises and trainings.

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the Department of Public Safety, the Department of Higher Education, and the Department of Education shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The state agencies identified in this paragraph may procure any necessary goods and services including, but not limited to, contracted services, hardware, networking services, maintenance costs, and the training and management costs of a cyber range. These state agencies shall determine the amount of funds each agency will contribute from available funds and appropriations enacted herein in order to establish and maintain a cyber range.

STATE ACTIVE DUTY

The foregoing appropriation item 745505, State Active Duty, shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation or order of the Governor. Expenses include, but are not limited to, cost of equipment, supplies, and services, as determined by the Adjutant General.

SECTION 207.10. DAS DEPARTMENT OF ADMINISTRATIVE

SERVICES**General Revenue Fund**

GRF 100412	Unemployment Insurance System Lease Rental Payments	\$	1,550,000	\$	1,560,000
GRF 100413	EDCS Lease Rental Payments	\$	13,280,000	\$	13,275,000
GRF 100414	MARCS Lease Rental Payments	\$	6,770,000	\$	6,770,000
GRF 100415	OAKS Lease Rental Payments	\$	2,450,000	\$	2,450,000
GRF 100416	STARS Lease Rental Payments	\$	5,000,000	\$	5,000,000
GRF 100447	Administrative Buildings Lease Rental Bond Payments	\$	88,000,000	\$	85,000,000
GRF 100456	State IT Services	\$	1,413,165	\$	1,424,551
GRF 100459	Ohio Business Gateway	\$	13,527,621	\$	13,527,621
GRF 100469	Aronoff Center Building Maintenance	\$	222,121	\$	222,121
GRF 100501	MARCS Fee Offset	\$	2,500,000	\$	2,500,000
GRF 130321	State Agency Support Services	\$	24,623,264	\$	25,349,994
TOTAL GRF General Revenue Fund		\$	159,336,171	\$	157,079,287

Dedicated Purpose Fund Group

5CV1 100671	Coronavirus Relief - DAS	\$	1,800,000	\$	0
5L70 100610	Professional Development	\$	1,650,000	\$	1,650,000
5MV0 100662	Theater Equipment Maintenance	\$	50,000	\$	50,000
5NM0 100663	911 Program	\$	586,070	\$	599,969
5V60 100619	Employee Educational Development	\$	1,500,000	\$	1,600,000
TOTAL DPF Dedicated Purpose Fund Group		\$	5,586,070	\$	3,899,969

Internal Service Activity Fund Group

1120 100616	DAS Administration	\$	13,253,998	\$	13,700,502
1150 100632	Central Service Agency	\$	989,973	\$	1,013,812
1170 100644	General Services Division - Operating	\$	25,686,811	\$	25,866,307
1220 100637	Fleet Management	\$	26,492,047	\$	28,792,538
1250 100622	Human Resources Division - Operating	\$	18,718,045	\$	19,178,890
1250 100657	Benefits Communication	\$	615,521	\$	615,521
1280 100620	Office of Collective Bargaining	\$	4,385,893	\$	4,385,893
1300 100606	Risk Management Reserve	\$	17,904,121	\$	19,381,381
1320 100631	DAS Building Management	\$	53,043,664	\$	53,323,205
1330 100607	IT Services Delivery	\$	168,044,912	\$	173,182,510
2100 100612	State Printing	\$	29,507,055	\$	28,719,641
2290 100630	IT Governance	\$	30,073,302	\$	32,179,505
2290 100640	Consolidated IT Purchases	\$	15,351,924	\$	15,351,924
4270 100602	Investment Recovery	\$	1,664,257	\$	1,679,401
4N60 100617	Major IT Purchases	\$	2,800,000	\$	2,800,000

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5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138
5EB0	100635	OAKS Support Organization	\$	58,738,136	\$	58,434,886
5EB0	100656	OAKS Updates and Developments	\$	6,064,809	\$	6,146,812
5JQ0	100658	Professionals Licensing System	\$	4,989,466	\$	5,111,024
5KZ0	100659	Building Improvement	\$	1,675,000	\$	2,160,000
5LJ0	100661	IT Development	\$	19,000,000	\$	16,500,000
5PC0	100665	Enterprise Applications	\$	10,038,838	\$	10,601,983
5WU0	100672	Ohio Benefits	\$	154,119,471	\$	154,276,578
TOTAL ISA Internal Service Activity Fund Group			\$	692,203,040	\$	704,284,451
Fiduciary Fund Group						
5UH0	100670	Enterprise Transactions	\$	1,150,000	\$	1,150,000
TOTAL FID Fiduciary Fund Group			\$	1,150,000	\$	1,150,000
Federal Fund Group						
3AJ0	100623	Information Technology Grants	\$	10,000	\$	10,000
TOTAL FED Federal Fund Group			\$	10,000	\$	10,000
TOTAL ALL BUDGET FUND GROUPS			\$	858,285,281	\$	866,423,707

SECTION 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Unemployment Insurance System.

EDCS LEASE RENTAL PAYMENTS

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100414, MARCS Lease Rental

Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100416, STARS Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.30 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the State Taxation Accounting and Revenue System (STARS).

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Administrative Services pursuant to leases and agreements under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering

Committee and the Director of Budget and Management, shall determine the share of debt service payments attributable to spending for MARCS components that are not specific to any one agency and that shall be charged to the Public Safety – Highway Purposes Fund (Fund 5TM0). Such share of debt service payments shall be calculated for MARCS capital disbursements made beginning July 1, 1997. Within thirty days of any payment made from appropriation item 100447, Administrative Buildings Lease Rental Bond Payments, the Director of Administrative Services shall certify to the Director of Budget and Management the amount of this share. On or before June 30 of each fiscal year, the Director of Budget and Management may transfer an amount up to the amount certified for that fiscal year to the General Revenue Fund from the Public Safety – Highway Purposes Fund (Fund 5TM0) established in section 4501.06 of the Revised Code.

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT FUND

The foregoing appropriation item 130321, State Agency Support Services, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the regular expenses of the appropriation item may be processed by the Department of Administrative Services through intrastate transfer voucher and placed in the Building Improvement Fund (Fund 5KZ0).

On July 1, 2022, or as soon as possible thereafter, the Director of Administrative Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 130321, State Agency Support Services, at the

end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 207.30. PROFESSIONAL DEVELOPMENT FUND

The foregoing appropriation item 100610, Professional Development, shall be used to make payments from the Professional Development Fund (Fund 5L70) under section 124.182 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

911 PROGRAM

The foregoing appropriation item 100663, 911 Program, shall be used by the Department of Administrative Services to pay the administrative, marketing, and educational costs of the Statewide Emergency Services Internet Protocol Network program.

EMPLOYEE EDUCATIONAL DEVELOPMENT

The foregoing appropriation item 100619, Employee Educational Development, shall be used to make payments from the Employee Educational Development Fund (Fund 5V60) under section 124.86 of the Revised Code. The fund shall be used to pay the costs of administering educational programs under existing collective bargaining agreements with District 1199, the Health Care and Social Service Union, Service Employees International Union; State Council of Professional Educators; Ohio Education Association and National Education Association; the Fraternal Order of Police State of Ohio, Unit 2 Association; and the Ohio State Troopers Association, Units 1 and 15.

If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

SECTION 207.40. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund (Fund 2100).

COLLECTIVE BARGAINING ARBITRATION EXPENSES

The Department of Administrative Services may seek reimbursement from state agencies for the actual costs and expenses the Department incurs in the collective bargaining arbitration process. The reimbursements shall be processed through intrastate transfer vouchers and credited to the Collective

Bargaining Fund (Fund 1280).

CONSOLIDATED IT PURCHASES

The foregoing appropriation item 100640, Consolidated IT Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase.

INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

MAJOR IT PURCHASES CHARGES

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to the amount collected for statewide indirect costs attributable to debt service paid for the enterprise data center solutions project from the General Revenue Fund to the Major Information Technology Purchases Fund (Fund 4N60).

PROFESSIONS LICENSING SYSTEM

The foregoing appropriation item, 100658, Ohio Professionals Licensing System, shall be used to purchase the equipment, products, and services necessary to update and maintain an automated licensing system for the professional licensing boards.

The Department of Administrative Services shall establish charges for recovering the costs of ongoing maintenance of the system that are not otherwise recovered under section 125.18 of the Revised Code. The charges shall be billed to state agencies, boards, and commissions using the state's enterprise electronic licensing system and deposited via intrastate transfer vouchers to the credit of the Professions Licensing System Fund (Fund 5JQ0).

SECTION 207.45. BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and may maintain a cash balance in Fund 5KZ0 equal to

the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited, agency-specific focus in favor of a statewide methodology supporting development of enterprise solutions. This appropriation item may be used to pay the costs of enterprise information technology initiatives affecting state agencies or their customers.

Notwithstanding any provision of law to the contrary, the Department of Administrative Services, with the approval of the Director of Budget and Management, may charge state agencies an information technology development assessment based on state agencies' information technology expenditures or other methodology and may assess fees or charges to entities that are not state agencies to offset the cost of specific technology events or services. The revenue from these assessments, fees, or charges shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

Of the foregoing appropriation item 100661, IT Development, \$250,000 in fiscal year 2022 shall be used by the Office of InnovateOhio to support the web-based liquor permit project under the Department of Commerce.

STATE EEO FUND

Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 100649, Equal Opportunity Division – Operating, and reestablish them against appropriation item 100622, Human Resources Division – Operating. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 100649, Equal Opportunity Division – Operating, by July 1, 2021, shall be completed

under appropriation item 100622, Human Resources Division – Operating, in the same manner, and with the same effect, as if completed with regard to appropriation item 100649, Equal Opportunity Division – Operating.

The Director of Budget and Management shall transfer the amount of cash in the State EEO Fund (Fund 1880) that was received from agencies for actual expenditures deposited to the credit of the State EEO Fund (Fund 1880) into the Human Resources Services Fund (Fund 1250). In order to facilitate this transfer, the Director of Administrative Services, on July 1, 2021, or as soon as possible thereafter, shall certify to the Director of Budget and Management the amount to be transferred.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

SECTION 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may transfer appropriations, funds, and cash as needed to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

SECTION 209.10. AGE DEPARTMENT OF AGING

General Revenue Fund

GRF 490321	Operating Expenses	\$	1,724,070	\$	1,745,504
GRF 490410	Long-Term Care Ombudsman	\$	3,112,901	\$	3,112,901
GRF 490411	Senior Community Services	\$	9,798,995	\$	9,737,042
GRF 490414	Alzheimer's and Other Dementia Respite	\$	2,495,245	\$	2,495,245
GRF 490506	National Senior Service Corps	\$	222,792	\$	222,792
GRF 656423	Long-Term Care Budget - State	\$	5,154,308	\$	5,194,827
TOTAL GRF General Revenue Fund		\$	22,508,311	\$	22,508,311

Dedicated Purpose Fund Group

4800 490606	Senior Community Outreach and Education	\$	385,964	\$	380,761
4C40 490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000
5BA0 490620	Ombudsman Support	\$	1,532,273	\$	1,532,919
5K90 490613	Long-Term Care Consumers Guide	\$	401,640	\$	1,427,072
5MT0 490627	Board of Executives of Long-Term Services and Supports	\$	750,838	\$	761,056
5T40 656625	Health Care Grants – State	\$	200,000	\$	200,000
5TIO 656624	Provider Certification	\$	120,000	\$	120,000
5W10 490616	Resident Services Coordinator Program	\$	344,934	\$	345,050
5XT0 490628	At Home Technology Pilot Program	\$	250,000	\$	250,000
TOTAL DPF Dedicated Purpose Fund Group		\$	4,985,649	\$	6,016,858

Federal Fund Group

3220 490618	Federal Aging Grants	\$	9,435,514	\$	8,860,830
3C40 656623	Long Term Care Budget - Federal	\$	4,790,982	\$	4,839,274
3M40 490612	Federal Independence Services	\$	62,630,274	\$	57,726,103
TOTAL FED Federal Fund Group		\$	76,856,770	\$	71,426,207
TOTAL ALL BUDGET FUND GROUPS		\$	104,350,730	\$	99,951,376

SECTION 209.20. LONG-TERM CARE

Pursuant to an interagency agreement, the Department of Medicaid may designate the Department of Aging to perform assessments under section 5165.04 of the Revised Code. The Department of Aging shall provide long-term care consultations under section 173.42 of the Revised Code to assist individuals in planning for their long-term health care needs.

The Department of Aging shall administer the Medicaid waiver-funded

PASSPORT Home Care Program, the Assisted Living Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

In order to improve health outcomes among populations served by PASSPORT administrative agencies, the Department of Aging, through rules adopted in accordance with Chapter 119. of the Revised Code, may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved. Prior to filing with the Joint Committee on Agency Rule Review, as provided in section 119.03 of the Revised Code, a proposed rule related to a payment method that includes a pay-for-performance incentive component, the Department shall submit a report to the Joint Medicaid Oversight Committee outlining the payment method.

SECTION 209.30. MYCARE OHIO

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

Of the foregoing appropriation item 490411, Senior Community Services, \$75,000 in each fiscal year shall be provided to the Neighborhood Alliance for the Senior Nutrition Program.

The remainder of appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, care coordination, evidence-based disease prevention and health promotion, and decision support systems. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs:

the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

SECTION 209.40. AT HOME TECHNOLOGY PILOT PROGRAM

(A) During fiscal year 2022 and fiscal year 2023, the Department of Aging shall operate an At Home Technology Pilot Program under which the Department awards grants to service providers for the purpose of initiating or enhancing the providers' utilization of remote monitoring technologies that assist older adults in their ability to continue residing in their homes, residential care facilities, or other community-based settings. Examples of such technologies include those that do any of the following:

- (1) Actively monitor vital signs and other health-related data;
- (2) Track wake and sleep times or other milestone moments in daily living;
- (3) Assist in maintaining a healthy, connected quality of life at home, in a residential care facility, or in another community-based setting.

(B) At the conclusion of the Pilot Program, the Department shall prepare a report regarding the efficacy of the Pilot Program and outcomes regarding the health of individuals served by the Pilot Program. The report shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and to the chairpersons of the Senate and House of Representatives standing committees that consider aging issues.

(C) The foregoing appropriation item 490628, At Home Technology Pilot Program, shall be used for the At Home Technology Pilot Program.

SECTION 211.10. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700401	Animal Health Programs	\$	5,267,266	\$	5,388,181
GRF 700403	Dairy Division	\$	1,292,929	\$	1,342,866

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GRF 700404	Ohio Proud	\$	102,734	\$	105,096
GRF 700406	Consumer Protection Lab	\$	1,467,261	\$	1,389,965
GRF 700407	Food Safety	\$	1,376,113	\$	1,408,710
GRF 700409	Farmland Preservation	\$	1,000,000	\$	500,000
GRF 700410	Plant Industry	\$	151,708	\$	155,449
GRF 700412	Weights and Measures	\$	631,487	\$	631,487
GRF 700415	Poultry Inspection	\$	832,288	\$	851,470
GRF 700417	Soil and Water Phosphorus Program	\$	10,700,000	\$	10,700,000
GRF 700418	Livestock Regulation Program	\$	1,281,483	\$	1,325,467
GRF 700424	Livestock Testing and Inspections	\$	119,843	\$	122,240
GRF 700426	Dangerous and Restricted Animals	\$	618,447	\$	631,310
GRF 700427	High Volume Breeder Kennel Control	\$	1,269,865	\$	1,300,401
GRF 700428	Soil and Water Division	\$	3,658,683	\$	3,658,683
GRF 700499	Meat Inspection Program - State Share	\$	6,485,605	\$	6,672,501
GRF 700501	County Agricultural Societies	\$	379,673	\$	379,673
GRF 700509	Soil and Water District Support	\$	11,810,000	\$	11,810,000
GRF 700511	Ride Inspection	\$	900,000	\$	600,000
GRF 700674	Hemp Production	\$	195,000	\$	195,000
TOTAL GRF General Revenue Fund		\$	49,540,385	\$	49,168,499
Dedicated Purpose Fund Group					
4900 700651	License Plates - Sustainable Agriculture	\$	17,500	\$	17,500
4940 700612	Agricultural Commodity Marketing Program	\$	240,000	\$	240,000
4960 700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000
4970 700627	Grain Warehouse Program	\$	425,000	\$	425,000
4C90 700605	Commercial Feed and Seed	\$	2,326,251	\$	2,326,251
4D20 700609	Auction Education	\$	50,000	\$	50,000
4E40 700606	Utility Radiological Safety	\$	101,130	\$	101,130
4P70 700610	Food Safety Inspection	\$	1,071,208	\$	1,096,240
4R00 700636	Ohio Proud Marketing	\$	30,500	\$	30,500
4R20 700637	Dairy Industry Inspection	\$	1,832,950	\$	1,832,950
4T60 700611	Poultry and Meat Inspection	\$	100,000	\$	100,000
5780 700620	Ride Inspection	\$	700,000	\$	1,200,000
5B80 700629	Auctioneers	\$	361,450	\$	361,450
5BV0 700660	Heidelberg Water Quality Lab	\$	275,000	\$	275,000
5BV0 700661	Soil and Water Districts	\$	8,000,000	\$	8,000,000
5CV1 700672	Coronavirus Relief - Local Fairs	\$	1,000,000	\$	0
5FC0 700648	Plant Pest Program	\$	1,554,599	\$	1,590,615
5H20 700608	Metrology Lab and Scale Certification	\$	1,269,572	\$	1,289,718
5L80 700604	Livestock Management Program	\$	245,000	\$	245,000
5MA0 700657	Dangerous and Restricted Animals	\$	10,000	\$	10,000
5MR0 700658	High Volume Breeders and	\$	460,000	\$	460,000

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		Kennels			
5MS0	700659	Captive Deer	\$	18,000	\$ 18,000
5PL0	700662	Pet Store License	\$	30,000	\$ 30,000
5QW0	700653	Watershed Assistance	\$	515,000	\$ 515,000
5WJ0	700671	Hemp Program	\$	1,006,000	\$ 1,006,000
5YB0	700676	Farm Financial Management Institute	\$	250,000	\$ 250,000
6520	700634	Animal, Consumer, and ATL Labs	\$	5,840,522	\$ 5,962,715
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,894,402	\$ 4,894,402
6H20	700670	H2Ohio	\$	49,300,000	\$ 49,300,000
TOTAL DPF Dedicated Purpose Fund Group			\$	83,474,084	\$ 83,177,471
Internal Service Activity Fund Group					
5DA0	700644	Laboratory Administration Support	\$	1,204,626	\$ 1,204,626
5GH0	700655	Administrative Support	\$	5,677,844	\$ 5,813,996
TOTAL ISA Internal Service Activity Fund Group			\$	6,882,470	7,018,622
Capital Projects Fund Group					
7057	700632	Clean Ohio Agricultural Easement Operating	\$	610,000	\$ 610,000
TOTAL CPF Capital Projects Fund Group			\$	610,000	\$ 610,000
Federal Fund Group					
3260	700618	Meat Inspection Program - Federal Share	\$	5,194,424	\$ 5,194,424
3360	700617	Ohio Farm Loan - Revolving	\$	225,000	\$ 225,000
3820	700601	Federal Cooperative Contracts	\$	8,613,000	\$ 8,617,000
3AB0	700641	Agricultural Easement	\$	330,000	\$ 330,000
3J40	700607	Federal Administrative Programs	\$	1,237,587	\$ 1,264,214
3R20	700614	Federal Plant Industry	\$	7,295,972	\$ 7,295,972
TOTAL FED Federal Fund Group			\$	22,895,983	\$ 22,926,610
TOTAL ALL BUDGET FUND GROUPS			\$	163,402,922	\$ 162,901,202

SECTION 211.20. FARMLAND PRESERVATION

Of the foregoing appropriation item 700409, Farmland Preservation, \$500,000 in fiscal year 2022 shall be used to purchase agricultural easements under division (A) of section 5301.691 of the Revised Code and provide matching grants under section 901.22 of the Revised Code to municipal corporations, counties, townships, and soil and water conservation districts established under Chapter 940. of the Revised Code, and charitable organizations described in division (B) of section 5301.69 of the Revised Code for the purchase of agricultural easements. Any purchases of agricultural easements using this funding are subject to approval from the Controlling Board.

SOIL AND WATER PHOSPHORUS PROGRAM

The Department of Agriculture shall establish programs to assist in reducing total phosphorus and dissolved reactive phosphorus in the Western Lake Erie Basin. The programs shall give priority to those subwatersheds determined to be highest in total phosphorus and dissolved reactive phosphorus nutrient loading.

The foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used to support the programs described above, which may include but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) water management and edge-of-field drainage management; and (8) an agricultural phosphorus reduction revolving loan program. Not more than forty per cent of the foregoing appropriation item 700417, Soil and Water Phosphorus Program, shall be used for any single activity.

DANGEROUS AND RESTRICTED WILD ANIMALS

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$50,000 in each fiscal year shall be used to support the administrative expenses of the Indian Lake Watershed Project.

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in each fiscal year shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin in complying with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines

appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

Of the foregoing appropriation item 700509, Soil and Water District Support, \$3,500,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and other conservation support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

CORONAVIRUS - LOCAL FAIRS

The foregoing appropriation item 700672, Coronavirus Relief - Local Fairs, shall be used to support safety in connection with the Ohio State Fair in fiscal year 2022.

FARM FINANCIAL MANAGEMENT INSTITUTE

The foregoing appropriation item 700676, Farm Financial Management Institute, shall be allocated to the Ohio State University Extension's Farm Production, Policy, and Financial Management Institute.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Agriculture may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 700670, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

Of the foregoing appropriation item 700670, H2Ohio, \$1,800,000 in fiscal year 2022 and \$2,200,000 in fiscal year 2023 shall be used to match federal funding available to establish a water quality pilot program at Shallow Run located in Hardin County in accordance to Section 3 of H.B. 7

of the 133rd General Assembly. Funding under this appropriation item shall not be expended until the Department of Agriculture reports to the Controlling Board that federal funding for the pilot program has been committed or obtained.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

CASH TRANSFER TO AUCTIONEERS FUND

On or before December 31, 2021, upon the request of the Director of Agriculture, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$300,000 in cash from the Auction Recovery Fund (5U10) to the Auctioneers Fund (5B80).

SECTION 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY

Dedicated Purpose Fund Group

4Z90	898602	Small Business Ombudsman	\$	209,000	\$	211,000
5700	898601	Operating Expenses	\$	774,811	\$	783,347
5A00	898603	Small Business Assistance	\$	300,000	\$	300,000
TOTAL DPF Dedicated Purpose Fund Group			\$	1,283,811	\$	1,294,347
TOTAL ALL BUDGET FUND GROUPS			\$	1,283,811	\$	1,294,347

SECTION 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT AUTHORITY TRUST ACCOUNT

Notwithstanding any other provision of law to the contrary, the Air Quality Development Authority may reimburse the Air Quality Development Authority trust account established under section 3706.10 of the Revised Code from all operating funds of the agency for expenses pertaining to the administration and shared costs incurred by the Air Quality Development Authority in the execution of responsibilities as prescribed in Chapter 3706. of the Revised Code. The reimbursement shall be made by voucher.

SECTION 215.10. ARC ARCHITECTS BOARDS

Dedicated Purpose Fund Group

4K90	891609	Operating	\$	633,410	\$	644,408
TOTAL DPF Dedicated Purpose Fund						

Group	\$	633,410	\$	644,408
TOTAL ALL BUDGET FUND GROUPS	\$	633,410	\$	644,408

SECTION 217.10. ART OHIO ARTS COUNCIL

General Revenue Fund

GRF 370321	Operating Expenses	\$	1,961,700	\$	1,961,700
GRF 370502	State Program Subsidies	\$	18,038,300	\$	18,038,300
TOTAL GRF	General Revenue Fund	\$	20,000,000	\$	20,000,000

Dedicated Purpose Fund Group

4600 370602	Arts Council Program Support	\$	385,000	\$	385,000
4B70 370603	Percent for Art Acquisitions	\$	165,000	\$	165,000
TOTAL DPF	Dedicated Purpose Fund Group	\$	550,000	\$	550,000

Federal Fund Group

3140 370601	Federal Support	\$	1,250,000	\$	1,250,000
TOTAL FED	Federal Fund Group	\$	1,250,000	\$	1,250,000
TOTAL ALL BUDGET FUND GROUPS		\$	21,800,000	\$	21,800,000

FEDERAL SUPPORT

Notwithstanding any provision of law to the contrary, the foregoing appropriation item 370601, Federal Support, shall be used by the Ohio Arts Council for subsidies only, and not for its administrative costs, unless the Council is required to use a portion of the funds for administrative costs under conditions of the federal grant.

SECTION 219.10. ATH ATHLETIC COMMISSION

Dedicated Purpose Fund Group

4K90 175609	Operating Expenses	\$	280,501	\$	275,423
TOTAL DPF	Dedicated Purpose Fund Group	\$	280,501	\$	275,423
TOTAL ALL BUDGET FUND GROUPS		\$	280,501	\$	275,423

SECTION 221.10. AGO ATTORNEY GENERAL

General Revenue Fund

GRF 055321	Operating Expenses	\$	70,800,000	\$	71,630,000
GRF 055405	Law-Related Education	\$	68,950	\$	68,950
GRF 055406	BCIRS Lease Rental Payments	\$	2,525,000	\$	2,520,000
GRF 055411	County Sheriffs' Pay Supplement	\$	1,024,983	\$	1,043,558
GRF 055415	County Prosecutors' Pay Supplement	\$	1,317,602	\$	1,340,208
GRF 055431	Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000
GRF 055432	Drug Testing Equipment	\$	964,100	\$	964,100
GRF 055434	ICAC Task Force	\$	500,000	\$	500,000
GRF 055440	Rapid DNA Pilot Project	\$	1,000,000	\$	400,000
GRF 055441	Victims of Crime	\$	2,500,000	\$	0

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GRF	055501	Rape Crisis Centers	\$	10,000,000	\$	7,300,000
GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000
GRF	055504	Domestic Violence Programs	\$	5,000,000	\$	2,500,000
GRF	055505	Pike County Capital Case	\$	300,000	\$	0
GRF	055509	Law Enforcement Reimbursement Training Pilot Program	\$	15,000,000	\$	0
TOTAL GRF General Revenue Fund			\$	124,500,635	\$	101,766,816
Dedicated Purpose Fund Group						
1060	055612	Attorney General Operating	\$	72,700,000	\$	72,700,000
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000
5LR0	055655	Peace Officer Training - Casino	\$	4,700,000	\$	4,700,000
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000
TOTAL DPF Dedicated Purpose Fund Group			\$	161,084,804	\$	163,084,804
Internal Service Activity Fund Group						
1950	055660	Workers' Compensation Section	\$	9,115,000	\$	9,115,000
TOTAL ISA Internal Service Activity Fund Group			\$	9,115,000	\$	9,115,000
Holding Account Fund Group						
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000
R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000
TOTAL HLD Holding Account Fund Group			\$	8,250,000	\$	8,250,000

Federal Fund Group

3060	055620	Medicaid Fraud Control	\$	13,561,582	\$	13,561,582
3830	055634	Crime Victims Assistance	\$	90,000,000	\$	90,000,000
3E50	055638	Attorney General Pass-Through Funds	\$	4,020,999	\$	4,020,999
3FV0	055656	Crime Victim Compensation	\$	5,000,000	\$	5,000,000
3R60	055613	Attorney General Federal Funds	\$	3,500,000	\$	3,500,000
TOTAL FED Federal Fund Group			\$	116,082,581	\$	116,082,581
TOTAL ALL BUDGET FUND GROUPS			\$	419,033,020	\$	398,299,201

SECTION 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.

DOMESTIC VIOLENCE PROGRAM

Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.

NARCOTICS TASK FORCES

Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS

The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the BCIRS.

COUNTY SHERIFFS' PAY SUPPLEMENT

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

DRUG TESTING EQUIPMENT

The foregoing appropriation item 055432, Drug Testing Equipment, shall be used to purchase drug testing equipment for the Bureau of Criminal Identification and Investigation.

ICAC TASK FORCE

The foregoing appropriation item 055434, ICAC Task Force, shall be used by the Attorney General in support of the Ohio Internet Crimes Against Children Task Force for the purposes described in section 195.02 of the Revised Code.

RAPID DNA PILOT PROJECT

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies.

VICTIMS OF CRIME

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act.

SECTION 221.30. BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$50,000 in each fiscal year shall be distributed to the Battered

Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County.

Each recipient of a grant under this program shall, within six months of the end date of the grant, submit a written report describing the outcomes that resulted from the grant to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

SCHOOL SAFETY TRAINING GRANTS

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Superintendent of Public Instruction and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section

5126.05 of the Revised Code for school safety and school climate programs and training.

(B) The use of the grants includes, but is not limited to, all of the following:

- (1) The support of school resource officer certification training;
- (2) Any type of active shooter and school safety training or equipment;
- (3) All grade level type educational resources;
- (4) Training to identify and assist students with mental health issues;
- (5) School supplies or equipment related to school safety or for implementing the school's safety plan;
- (6) Any other training related to school safety.

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2022 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2021 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2022.

LAW ENFORCEMENT REIMBURSEMENT TRAINING PILOT PROGRAM

The foregoing appropriation item 055509, Law Enforcement

Reimbursement Training Pilot Program, shall be used by the Attorney General, in accordance with division (A) of Section 701.70 of this act, for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055509, Law Enforcement Reimbursement Training Pilot Program, the Attorney General may use up to \$25,000 for administrative expenses associated with the program.

On July 1, 2022, or as soon as possible thereafter, the Attorney General shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 055509, Law Enforcement Reimbursement Training Pilot Program, at the end of fiscal year 2022 to be reappropriated for the same purpose in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the fiscal year.

In addition, the Bureau of Workers' Compensation shall transfer payments for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

GENERAL HOLDING ACCOUNT

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ANTITRUST SETTLEMENTS

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers

in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

SECTION 223.10. AUD AUDITOR OF STATE

General Revenue Fund

GRF 070401	Audit Management and Services	\$ 12,046,143	\$ 12,344,795
GRF 070402	Performance Audits	\$ 1,950,971	\$ 1,977,596
GRF 070403	Fiscal Watch/Emergency Technical Assistance	\$ 550,000	\$ 550,000
GRF 070404	Fraud/Corruption Audits and Investigations	\$ 2,400,000	\$ 2,400,000
GRF 070412	Local Government Audit Support	\$ 13,200,000	\$ 13,200,000
TOTAL GRF General Revenue Fund		\$ 30,147,114	\$ 30,472,391

Dedicated Purpose Fund Group

1090 070601	Public Audit Expense - Intrastate	\$ 11,818,035	\$ 11,065,646
4220 070602	Public Audit Expense - Local Government	\$ 33,931,168	\$ 32,983,559
5840 070603	Training Program	\$ 200,000	\$ 200,000
5JZ0 070606	LEAP Revolving Loans	\$ 125,000	\$ 125,000
5VP0 070611	Local Government Audit Support Fund	\$ 12,215,435	\$ 13,905,599
6750 070605	Uniform Accounting Network	\$ 4,142,777	\$ 5,705,108
TOTAL DPF Dedicated Purpose Fund Group		\$ 62,432,415	\$ 63,984,912

TOTAL ALL BUDGET FUND GROUPS	\$	92,579,529	\$	94,457,303
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SECTION 223.20. AUDIT MANAGEMENT AND SERVICES

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item shall also be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

SECTION 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT**General Revenue Fund**

GRF 042321	Operating Expenses	\$	4,128,353	\$	4,128,353
TOTAL GRF General Revenue Fund		\$	4,128,353	\$	4,128,353

Dedicated Purpose Fund Group

5CV1 042517	Ohio Humanities Council	\$	1,000,000	\$	0
5CV1 042621	COVID Response Costs - Multiple Agencies	\$	18,000,000	\$	0
TOTAL Dedicated Purpose Fund Group		\$	19,000,000	\$	0

Internal Service Activity Fund Group

1050 042603	Financial Management	\$	16,500,000	\$	17,200,000
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2073

1050 042620 Shared Services Operating	\$	6,730,000	\$	7,050,000
TOTAL ISA Internal Service Activity				
Fund Group	\$	23,230,000	\$	24,250,000
Fiduciary Fund Group				
5EH0 042604 Forgery Recovery	\$	30,000	\$	30,000
TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000
TOTAL ALL BUDGET FUND GROUPS	\$	46,388,353	\$	28,408,353

SECTION 229.20. AUDIT COSTS

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management.

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Operating Expenses.

SHARED SERVICES CENTER

The foregoing appropriation items 042321, Operating Expenses, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code.

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers billed to agencies for services rendered using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050).

INTERNAL AUDIT

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program pursuant to section 126.45 of the Revised Code in the accounting and budgeting services payroll rate using a methodology determined by the Director of Budget and Management. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

OHIO HUMANITIES COUNCIL

The foregoing appropriation item 042517, Ohio Humanities Council, shall be used to support public humanities organizations and to preserve valuable cultural assets across the state. The Director of Budget and Management shall consult with the Ohio Humanities Council Board of Directors before distributing the funds from item 042517.

SECTION 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

General Revenue Fund

GRF 874100	Personal Services	\$	4,069,830	\$	4,069,830
GRF 874320	Maintenance and Equipment	\$	1,552,833	\$	1,402,833
TOTAL GRF General Revenue Fund		\$	5,622,663	\$	5,472,663

Dedicated Purpose Fund Group

2080 874601	Underground Parking Garage Operations	\$	4,245,906	\$	4,245,906
4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000
TOTAL DPF Dedicated Purpose Fund Group		\$	4,251,906	\$	4,251,906

Internal Service Activity Fund Group

4S70 874602	Statehouse Gift Shop/Events	\$	800,000	\$	800,000
TOTAL ISA Internal Service Activity Fund Group		\$	800,000	\$	800,000
TOTAL ALL BUDGET FUND GROUPS		\$	10,674,569	\$	10,524,569

PERSONAL SERVICES

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Capital Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874100, Personal Services, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2023.

MAINTENANCE AND EQUIPMENT

Of the foregoing appropriation item 874320, Maintenance and Equipment, up to \$100,000 in fiscal year 2022 shall be used to perform a

comprehensive security assessment of the Capitol Square Complex, which consists of the Statehouse, Senate Building, Underground Parking Garage, and related grounds.

Of the foregoing appropriation item 874320, Maintenance and Equipment, up to \$50,000 in fiscal year 2022 shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. The use of these funds is subject to approval of the Capitol Square Review and Advisory Board. The Board shall consult with the Ohio History Connection regarding the display.

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2023.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

SECTION 233.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS

Dedicated Purpose Fund Group

Am. Sub. H. B. No. 110

134th G.A.

2076

4K90 233601	Operating Expenses	\$	513,000	\$	513,000
TOTAL DPF Dedicated Purpose Fund Group		\$	513,000	\$	513,000
TOTAL ALL BUDGET FUND GROUPS		\$	513,000	\$	513,000

SECTION 235.10. CAC CASINO CONTROL COMMISSION

Dedicated Purpose Fund Group

5HS0 955321	Operating Expenses	\$	13,401,718	\$	13,492,672
5NU0 955601	Casino Commission Enforcement	\$	250,000	\$	250,000
TOTAL DPF Dedicated Purpose Fund Group		\$	13,651,718	\$	13,742,672
TOTAL ALL BUDGET FUND GROUPS		\$	13,651,718	\$	13,742,672

SECTION 237.10. CDP CHEMICAL DEPENDENCY

PROFESSIONALS BOARD

Dedicated Purpose Fund Group

4K90 930609	Operating Expenses	\$	833,131	\$	850,305
TOTAL DPF Dedicated Purpose Fund Group		\$	833,131	\$	850,305
TOTAL ALL BUDGET FUND GROUPS		\$	833,131	\$	850,305

SECTION 239.10. CHR STATE CHIROPRACTIC BOARD

Dedicated Purpose Fund Group

4K90 878609	Operating Expenses	\$	622,000	\$	622,000
TOTAL DPF Dedicated Purpose Fund Group		\$	622,000	\$	622,000
TOTAL ALL BUDGET FUND GROUPS		\$	622,000	\$	622,000

SECTION 241.10. CIV OHIO CIVIL RIGHTS COMMISSION

General Revenue Fund

GRF 876321	Operating Expenses	\$	6,118,897	\$	6,538,548
TOTAL GRF General Revenue Fund		\$	6,118,897	\$	6,538,548

Dedicated Purpose Fund Group

2170 876604	Operations Support	\$	3,000	\$	3,000
TOTAL DPF Internal Service Activity Fund Group		\$	3,000	\$	3,000

Federal Fund Group

3340 876601	Federal Programs	\$	3,300,000	\$	3,036,884
TOTAL FED Federal Special Revenue Fund Group		\$	3,300,000	\$	3,036,884
TOTAL ALL BUDGET FUND GROUPS		\$	9,421,897	\$	9,578,432

SECTION 243.10. COM DEPARTMENT OF COMMERCE

Dedicated Purpose Fund Group

4B20 800631	Real Estate Appraisal Recovery	\$	35,000	\$	35,000
4H90 800608	Cemeteries	\$	313,466	\$	313,466
4X20 800619	Financial Institutions	\$	2,080,213	\$	2,080,213

2077

5430	800602	Unclaimed Funds-Operating	\$	11,491,192	\$	11,489,073
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000
5440	800612	Banks	\$	10,138,048	\$	10,138,048
5460	800610	Fire Marshal	\$	23,166,255	\$	23,451,914
5460	800639	Fire Department Grants	\$	6,675,000	\$	6,275,000
5470	800603	Real Estate Education/Research	\$	69,655	\$	69,655
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000
5490	800614	Real Estate	\$	4,155,513	\$	4,227,780
5500	800617	Securities	\$	7,234,782	\$	7,387,595
5520	800604	Credit Union	\$	3,807,712	\$	3,807,712
5530	800607	Consumer Finance	\$	5,517,185	\$	5,510,095
5560	800615	Industrial Compliance	\$	30,929,000	\$	30,929,000
5F10	800635	Small Government Fire Departments	\$	600,000	\$	600,000
5FW0	800616	Financial Literacy Education	\$	150,000	\$	150,000
5GK0	800609	Securities Investor Education/Enforcement	\$	2,182,150	\$	2,182,150
5HV0	800641	Cigarette Enforcement	\$	27,324	\$	27,324
5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$	327,470	\$	396,154
5LN0	800645	Liquor Operating Services	\$	23,532,000	\$	25,395,000
5LP0	800646	Liquor Regulatory Operating Expenses	\$	16,829,784	\$	15,584,778
5SE0	800651	Cemetery Grant Program	\$	130,000	\$	130,000
5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$	50,000	\$	50,000
5SU0	800649	Manufactured Homes Regulation	\$	331,281	\$	340,357
5SY0	800650	Medical Marijuana Control Program	\$	5,121,000	\$	5,121,000
5VC0	800652	Real Estate Home Inspector Operating	\$	96,320	\$	100,813
5VD0	800653	Real Estate Home Inspector Recovery	\$	10,000	\$	10,000
5X60	800623	Video Service	\$	437,693	\$	437,693
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000
6530	800629	UST Registration/Permit Fee	\$	2,481,714	\$	2,501,714
6A40	800630	Real Estate Appraiser-Operating	\$	1,095,546	\$	1,108,310
TOTAL DPF Dedicated Purpose Fund Group			\$	231,565,303	\$	232,399,844
Internal Service Activity Fund Group						
1630	800620	Division of Administration	\$	9,481,409	\$	9,296,249
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029
TOTAL ISA Internal Service Activity Fund Group			\$	20,472,158	\$	19,973,278
Federal Fund Group						
3480	800622	Underground Storage Tanks	\$	805,112	\$	805,112
3480	800624	Leaking Underground Storage Tanks	\$	2,000,000	\$	2,000,000
3HK0	800654	911 Grant Program	\$	3,302,976	\$	0
TOTAL FED Federal Fund Group			\$	6,108,088	\$	2,805,112
TOTAL ALL BUDGET FUND GROUPS			\$	258,145,549	\$	255,178,234

SECTION 243.20. UNCLAIMED FUNDS PAYMENTS

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

The foregoing appropriation item 800653, Real Estate Home Inspector Recovery, shall be used to pay settlements, judgments, and court orders under section 4764.21 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management approve such increases. Any approved increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the

Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,500,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity may receive a grant for up to \$15,000 per fiscal year for full or partial reimbursement of the documented costs of firefighter training. For each fiscal year, the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

(C) The grants shall be administered by the State Fire Marshal in

accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. To the extent consistent with this section and until the rules are updated, the existing rules in the state fire code adopted pursuant to section 3737.82 of the Revised Code for fire department grants under this section apply to MARCS Grants. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

(D) Of the foregoing appropriation item 800639, Fire Department Grants, \$250,000 in fiscal year 2022 shall be allocated to Northfield Center Township to support equipment acquisition and firefighter training.

(E) Of the foregoing appropriation 800639, Fire Department Grants, \$200,000 in each fiscal year shall be allocated to fire departments located in Trumbull County for equipment and training costs. These grants shall be issued giving priority first to grant requests from volunteer fire departments, then to township fire department grant requests, and finally to municipal fire department grant requests.

(F) Of the foregoing appropriation item 800639, Fire Department Grants, \$150,000 in fiscal year 2022 shall be allocated to the Village of Lisbon Fire Department for equipment acquisition and firefighter training.

(G) Of the foregoing appropriation item 800639, Fire Department Grants, \$125,000 in each fiscal year shall be distributed to fire departments located in Lorain County for equipment and training costs, with priority given to grant applications from volunteer and part-time fire departments.

(H) Of the foregoing appropriation item 800639, Fire Department Grants, \$50,000 in each fiscal year shall be distributed to fire departments located in Huron County for equipment and training costs, with priority given to grant applications from volunteer and part-time fire departments.

SECTION 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Real Estate Education and Research Fund (Fund 5470) to the Division of Real Estate

Operating Fund (Fund 5490) during the biennium ending June 30, 2023.

If the Real Estate Recovery Fund (Fund 5480) cash balance exceeds \$250,000 during the biennium ending June 30, 2023, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 5480 to the Division of Real Estate Operating Fund (Fund 5490), such that the amount available in Fund 5480 is not less than \$250,000.

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash balance exceeds \$200,000 during the biennium ending June 30, 2023, the Director of Budget and Management, upon the written request of the Director of Commerce and subject to the approval of the Controlling Board, may transfer cash from Fund 4B20 to the Real Estate Appraiser Operating Fund (Fund 6A40), such that the amount available in Fund 4B20 is not less than \$200,000.

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$600,000 in cash from the State Fire Marshal Fund (Fund 5460) to the Small Government Fire Department Services Revolving Loan Fund (Fund 5F10) during the biennium ending June 30, 2023.

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE HOME INSPECTOR RECOVERY FUND

During the biennium beginning July 1, 2021, and ending June 30, 2023, upon written request from the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$500,000 in cash from the Division of Securities Fund (Fund 5500) as follows: up to \$400,000 in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to \$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed sufficient to sustain operations, the Director of Budget and Management, in consultation with the Director of Commerce, shall establish a repayment schedule to fully repay the cash transferred from Fund 5500 to Fund 5VC0 and Fund 5VD0.

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND

Upon the written request of the Director of Commerce, and subject to the approval of the Controlling Board, the Director of Budget and

Management may transfer up to \$2,500,000 in each fiscal year from the Division of Securities Operating Fund (Fund 5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium ending June 30, 2023.

Of the foregoing appropriation item 800657, Ohio Investor Recovery, up to \$2,500,000 in each fiscal year shall be used by the Department of Commerce to provide restitution assistance to victims who: (1) are identified in a final administrative order issued by the Division of Securities or a final court order in a civil or criminal proceeding initiated by the Division as a purchaser damaged by a sale or contract for sale made in violation of Chapter 1707. of the Revised Code; and (2) have not received the full amount of any restitution ordered in a final order before the application for restitution assistance is due.

SECTION 245.10. OCC OFFICE OF CONSUMERS' COUNSEL

Dedicated Purpose Fund Group

5F50 053601 Operating Expenses	\$	5,641,043	\$	5,641,043
TOTAL DPF Dedicated Purpose Fund Group	\$	5,641,043	\$	5,641,043
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,043	\$	5,641,043

SECTION 247.10. CEB CONTROLLING BOARD

Internal Service Activity Fund Group

5KM0 911614 Controlling Board Emergency Purposes/Contingencies	\$	7,500,000	\$	7,500,000
TOTAL ISA Internal Service Activity Fund Group	\$	7,500,000	\$	7,500,000
TOTAL ALL BUDGET FUND GROUPS	\$	7,500,000	\$	7,500,000

SECTION 247.20. FEDERAL SHARE

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

DISASTER SERVICES

The Disaster Services Fund (Fund 5E20) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash used for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist.

Pursuant to requests submitted by the Department of Public Safety, the

Controlling Board may approve cash transfers from Fund 5E20 to any fund used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These cash transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the cash to fund the State Disaster Relief Program for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program.

SECTION 249.10. COS COSMETOLOGY AND BARBER BOARD

Dedicated Purpose Fund Group

4K90 879609 Operating Expenses	\$	5,416,852	\$	5,716,944
TOTAL DPF Dedicated Purpose Fund Group	\$	5,416,852	\$	5,716,944
TOTAL ALL BUDGET FUND GROUPS	\$	5,416,852	\$	5,716,944

SECTION 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

Dedicated Purpose Fund Group

4K90 899609 Operating Expenses	\$	1,845,658	\$	1,907,553
TOTAL DPF Dedicated Purpose Fund Group	\$	1,845,658	\$	1,907,553
TOTAL ALL BUDGET FUND GROUPS	\$	1,845,658	\$	1,907,553

SECTION 253.10. CLA COURT OF CLAIMS

General Revenue Fund

GRF 015321 Operating Expenses	\$	2,668,140	\$	2,730,329
GRF 015403 Public Records Adjudication	\$	931,645	\$	957,137
TOTAL GRF General Revenue Fund	\$	3,599,785	\$	3,687,466

Dedicated Purpose Fund Group

5K20 015603 CLA Victims of Crime	\$	507,867	\$	521,755
5TE0 015604 Public Records	\$	1,200	\$	1,200
TOTAL DPF Dedicated Purpose Fund Group	\$	509,067	\$	522,955
TOTAL ALL BUDGET FUND GROUPS	\$	4,108,852	\$	4,210,421

SECTION 255.10. DEN STATE DENTAL BOARD

Dedicated Purpose Fund Group

2085

4K90 880609	Operating Expenses	\$	1,700,000	\$	1,750,000
TOTAL DPF Dedicated Purpose Fund Group		\$	1,700,000	\$	1,750,000
TOTAL ALL BUDGET FUND GROUPS		\$	1,700,000	\$	1,750,000

SECTION 257.10. BDP BOARD OF DEPOSIT

Dedicated Purpose Fund Group

4M20 974601	Board of Deposit	\$	1,688,400	\$	1,688,400
TOTAL DPF Dedicated Purpose Fund Group		\$	1,688,400	\$	1,688,400
TOTAL ALL BUDGET FUND GROUPS		\$	1,688,400	\$	1,688,400

BOARD OF DEPOSIT EXPENSE FUND

Upon receiving certification of expenses from the Treasurer of State, the Director of Budget and Management shall transfer cash from the Investment Earnings Redistribution Fund (Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). The latter fund shall be used pursuant to section 135.02 of the Revised Code to pay for any and all necessary expenses of the Board of Deposit or for banking charges and fees required for the operation of the State of Ohio Regular Account.

SECTION 259.10. DEV DEPARTMENT OF DEVELOPMENT

General Revenue Fund

GRF 195402	Coal Research and Development Program	\$	175,000	\$	175,000
GRF 195405	Minority Business Development	\$	5,919,141	\$	5,919,141
GRF 195415	Business Development Services	\$	3,905,000	\$	3,905,000
GRF 195426	Redevelopment Assistance	\$	1,000,000	\$	1,000,000
GRF 195453	Technology Programs and Grants	\$	806,000	\$	806,000
GRF 195454	Small Business and Export Assistance	\$	3,500,000	\$	3,500,000
GRF 195455	Appalachia Assistance	\$	6,500,000	\$	6,500,000
GRF 195497	CDBG Operating Match	\$	1,250,000	\$	1,250,000
GRF 195499	BSD Federal Programs Match	\$	13,200,000	\$	13,200,000
GRF 195501	iBELIEVE	\$	200,000	\$	200,000
GRF 195503	Local Development Projects	\$	24,610,000	\$	17,700,000
GRF 195537	Ohio-Israel Agricultural Initiative	\$	250,000	\$	250,000
GRF 195553	Industry Sector Partnerships	\$	6,000,000	\$	2,500,000
GRF 195566	Main Street Job Recovery Program	\$	250,000	\$	250,000
GRF 195901	Coal Research and Development General Obligation Bond Debt Service	\$	7,300,000	\$	8,500,000
GRF 195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	69,000,000	\$	76,000,000
GRF 195912	Job Ready Site Development	\$	4,605,000	\$	4,605,000

		General Obligation Bond Debt Service			
TOTAL GRF		General Revenue Fund	\$	148,470,141	\$ 146,260,141
Dedicated Purpose Fund Group					
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$ 74,905
4510	195649	Business Assistance Programs	\$	3,000,000	\$ 3,000,000
4F20	195639	State Special Projects	\$	1,000,000	\$ 1,000,000
4F20	195699	Utility Community Assistance	\$	750,000	\$ 750,000
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$ 5,000,000
5CV1	195562	Lodging Industry Grants	\$	25,000,000	\$ 0
5CV1	195621	Coronavirus Relief - Entertainment Venues	\$	20,000,000	\$ 0
5CV1	195630	Coronavirus Relief New Business Relief Grants	\$	10,000,000	\$ 0
5GT0	195550	Broadband Development Grants	\$	230,000,000	\$ 20,000,000
5HR0	195606	TechCred Program	\$	33,300,000	\$ 25,000,000
5JR0	195635	Tax Incentives Operating	\$	800,000	\$ 800,000
5KN0	195571	Special Projects	\$	1,000,000	\$ 0
5KP0	195645	Historic Rehabilitation Operating	\$	1,000,000	\$ 1,000,000
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$ 325,000,000
5M50	195660	Advanced Energy Loan Programs	\$	8,500,000	\$ 8,500,000
5MH0	195644	SiteOhio Administration	\$	2,500	\$ 2,500
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$ 10,000,000
5UL0	195627	Brownfields Revolving Loan Program	\$	2,500,000	\$ 2,500,000
5UY0	195496	Sports Events Grants	\$	10,000,000	\$ 0
5W60	195691	International Trade Cooperative Projects	\$	50,000	\$ 50,000
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$ 5,000,000
5XH0	195694	Micro-Enterprise Loans	\$	5,000,000	\$ 5,000,000
5XM0	195677	Bar and Restaurant Assistance	\$	100,000,000	\$ 0
5XX0	195408	Meat Processing Investment Program	\$	10,000,000	\$ 0
5YC0	195569	Community Improvements	\$	1,000,000	\$ 0
5YE0	1956A2	Brownfield Remediation	\$	350,000,000	\$ 0
5YF0	1956A3	Demolition and Site Revitalization	\$	150,000,000	\$ 0
6170	195654	Volume Cap Administration	\$	32,562	\$ 32,562
6460	195638	Low- and Moderate- Income Housing Programs	\$	55,250,000	\$ 55,250,000
TOTAL DPF		Dedicated Purpose Fund Group	\$	1,363,259,967	\$ 467,959,967
Internal Service Activity Fund Group					
1350	195684	Development Services Operations	\$	12,000,000	\$ 12,000,000
6850	195636	Development Services Reimbursable Expenditures	\$	125,000	\$ 125,000

TOTAL ISA Internal Service Activity Fund Group	\$	12,125,000	\$	12,125,000
Facilities Establishment Fund Group				
4Z60 195647 Rural Industrial Park Loan	\$	15,000,000	\$	15,000,000
5S90 195628 Capital Access Loan Program	\$	2,500,000	\$	2,500,000
7009 195664 Innovation Ohio	\$	4,800,000	\$	4,800,000
7010 195665 Research and Development	\$	5,000,000	\$	5,000,000
7037 195615 Facilities Establishment	\$	152,000,000	\$	50,000,000
TOTAL FCE Facilities Establishment Fund Group	\$	1,427,130,489	\$	1,138,770,489
Bond Research and Development Fund Group				
7011 195686 Third Frontier Tax Exempt - Operating	\$	750,000	\$	750,000
7011 195687 Third Frontier Research and Development Projects	\$	10,000,000	\$	10,000,000
7014 195620 Third Frontier Taxable - Operating	\$	1,710,000	\$	1,710,000
7014 195692 Research and Development Taxable Bond Projects	\$	50,000,000	\$	50,000,000
TOTAL BRD Bond Research and Development Fund Group	\$	62,460,000	\$	62,460,000
Federal Fund Group				
3080 195602 Appalachian Regional Commission	\$	5,500,000	\$	5,500,000
3080 195603 Housing Assistance Programs	\$	12,000,000	\$	12,000,000
3080 195609 Small Business Administration Grants	\$	5,271,381	\$	5,271,381
3080 195618 Energy Grants	\$	4,000,000	\$	4,000,000
3080 195670 Home Weatherization Program	\$	20,000,000	\$	20,000,000
3080 195672 Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000
3080 195675 Procurement Technical Assistance	\$	1,000,000	\$	1,000,000
3080 195696 State Trade and Export Promotion	\$	1,000,000	\$	1,000,000
3350 195610 Energy Programs	\$	350,000	\$	350,000
3AE0 195643 Workforce Development Initiatives	\$	2,000,000	\$	2,000,000
3FJ0 195626 Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000
3K80 195613 Community Development Block Grant	\$	60,000,000	\$	60,000,000
3K90 195611 Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000
3K90 195614 HEAP Weatherization	\$	40,000,000	\$	40,000,000
3L00 195612 Community Services Block Grant	\$	28,000,000	\$	28,000,000
3V10 195601 HOME Program	\$	35,000,000	\$	35,000,000
TOTAL FED Federal Fund Group	\$	393,421,381	\$	393,421,381
TOTAL ALL BUDGET FUND GROUPS	\$	2,159,036,489	\$	1,159,526,489

SECTION 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

MINORITY BUSINESS DEVELOPMENT

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.

Of the foregoing appropriation item 195415, Business Development Services, \$1,800,000 in each fiscal year shall be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base realignment and closure activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job training and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security related initiatives.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

The foregoing appropriation item 195453, Technology Programs and Grants, shall be used for operating expenses incurred in administering the Ohio Third Frontier Programs and other technology focused programs that

may be implemented.

Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$6,000 in each fiscal year shall be used for the Ohio Aerospace and Aviation Technology Committee (OAATC) to cover expenses incurred as a result of the Committee's work.

SMALL BUSINESS AND EXPORT ASSISTANCE

The foregoing appropriation item 195454, Small Business and Export Assistance, may be used to provide a range of business assistance, including grants to local organizations to support economic development activities that promote small business development, entrepreneurship, and exports of Ohio's goods and services, in conjunction with local organizations funded through appropriation item 195405, Minority Business Development. The foregoing appropriation item shall also be used as matching funds for grants from the United States Small Business Administration and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto.

APPALACHIA ASSISTANCE

The foregoing GRF appropriation item 195455, Appalachia Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the appropriation item shall be identified and recommended by the local development districts and approved by the Governor's Office of Appalachia. The Department of Development shall conduct compliance and regulatory review of the programs recommended by the local development districts. Moneys allocated under the appropriation item may be used to fund projects including, but not limited to, those designated by the local development districts as community investment and rapid response projects.

Of the foregoing appropriation item 195455, Appalachia Assistance, in each fiscal year, \$170,000 shall be allocated to the Ohio Valley Regional Development Commission, \$170,000 shall be allocated to the Ohio Mid-Eastern Government Association, \$170,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and \$170,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of

programs and duties under section 107.21 of the Revised Code.

CDBG OPERATING MATCH

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.

BSD FEDERAL PROGRAMS MATCH

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Defense Logistics Agency Procurement Technical Assistance Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

iBELIEVE

The foregoing appropriation item 195501, iBELIEVE, shall be allocated to the iBELIEVE Foundation to provide opportunities for Appalachian youth to develop twenty-first century skills, including leadership, communication, and problem-solving for college access and retention.

LOCAL DEVELOPMENT PROJECTS

Of the foregoing appropriation item 195503, Local Development Projects, \$10,000,000 in each fiscal year shall be allocated to the Foundation for Appalachian Ohio.

Of the foregoing appropriation item 195503, Local Development Projects, up to \$4,000,000 in each fiscal year shall be allocated for the GRIT program, to be administered by the Governor's Office of Appalachia and the Department of Development. The program shall create jobs in economically distressed and at-risk areas within 11 counties in the service territory of the Ohio Valley Regional Development Commission. This portion of the foregoing appropriation item shall be used to establish virtual workforce development centers and place un- and under-employed adults into jobs, in collaboration with private businesses and public sector partners. Of this portion of the foregoing appropriation item, up to \$1,250,000 in each fiscal year may be used for youth assessment and career development activities, up to \$1,150,000 in each fiscal year may be used to support the development of virtual workforce centers, up to \$800,000 in each fiscal year may be used for assessments, and up to \$800,000 in each fiscal year may be used for

operating costs.

Of the foregoing appropriation item 195503, Local Development Projects, \$3,000,000 in fiscal year 2022 shall be used to support the Cleveland Water Alliance Sustainable Water Technologies Initiative.

Of the foregoing appropriation item 195503, Local Development Projects, up to \$2,250,000 in fiscal year 2022 shall be used in coordination with the Department of Health to support stable housing initiatives for pregnant mothers and to improve maternal and infant health outcomes.

Of the foregoing appropriation item 195503, Local Development Projects, \$1,000,000 in fiscal year 2022 shall be allocated to Mahoning Valley Campus of Care.

Of the foregoing appropriation item 195503, Local Development Projects, \$900,000 in fiscal year 2022 and \$600,000 in fiscal year 2023 shall be allocated to the SkillUp Coalition for rapid reskilling initiatives in Ohio's Appalachian counties.

Of the foregoing appropriation item 195503, Local Development Projects, \$1,000,000 in each fiscal year shall be allocated to the Lucas County Land Reutilization Corporation for the Lucas County Commercial Site Clean-Up Pilot Program to demolish vacant commercial or industrial buildings located in Lucas County. The state funding shall be matched on a 1:1 basis by funding from any of the following entities: City of Toledo, Lucas County, Toledo-Lucas County Port Authority, Lucas County Land Reutilization Corporation, the municipality, village or township where the project is located, or any private entities or nonprofit organizations. The program shall prioritize the demolition of blighted or nuisance commercial or industrial buildings at locations that are depressing the value of surrounding properties and locations that have the greatest potential for new construction or development.

Of the foregoing appropriation item 195503, Local Development Projects, \$1,000,000 in each fiscal year shall be used for the Center for Advanced Manufacturing and Logistics to provide workforce development, supply chain management, automation, research and development, and entrepreneurship to foster manufacturing and logistic industry jobs and company creation.

Of the foregoing appropriation item 195503, Local Development Projects, \$300,000 in each fiscal year shall be used to support the Camp James A. Garfield Joint Military Training Center and the Youngstown Air Reserve Station.

Of the foregoing appropriation item 195503, Local Development Projects, \$300,000 in each fiscal year shall be allocated to Cleveland

Neighborhood Progress for the Cleveland Chain Reaction Project.

Of the foregoing appropriation item 195503, Local Development Projects, \$250,000 in each fiscal year shall be allocated to Fulton County or the Fulton County Land Reutilization Corporation for a program to demolish vacant commercial or industrial buildings located in Fulton County. The state funding shall be matched on a 1:1 basis by funding from any of the following entities: Fulton County, the municipality, village or township where the project is located, or any private entities or nonprofit organizations. The program shall prioritize the demolition of blighted or nuisance commercial or industrial buildings at locations that are depressing the value of surrounding properties and locations that have the greatest potential for new construction or development.

Of the foregoing appropriation item 195503, Local Development Projects, \$150,000 in each fiscal year shall be allocated to the Stark County Minority Business Association to work in partnership with the Canton Regional Chamber of Commerce to support a demonstration pilot project.

Of the foregoing appropriation item 195503, Local Development Projects, \$150,000 in fiscal year 2022 shall be allocated to the City of East Liverpool to acquire, demolish, or rehabilitate abandoned houses and conduct property cleanup activities.

Of the foregoing appropriation item 195503, Local Development Projects, \$100,000 in each fiscal year shall be granted to the Lincoln Community Center located in Troy.

Of the foregoing appropriation item 195503, Local Development Projects, \$100,000 in fiscal year 2022 shall be allocated to the Medina County Board of Commissioners to support the financing of a homeless shelter in the county.

Of the foregoing appropriation item 195503, Local Development Projects, \$60,000 in fiscal year 2022 shall be allocated to the city of East Liverpool to create a Downtown Plan.

Of the foregoing appropriation item 195503, Local Development Projects, \$50,000 in fiscal year 2022 shall be granted to the Adams County Community Foundation.

OHIO-ISRAEL AGRICULTURAL INITIATIVE

The foregoing appropriation item 195537, Ohio-Israel Agricultural Initiative, shall be used for the Ohio-Israel Agricultural Initiative. The appropriation shall not be used for travel and entertainment expenses incurred under the initiative.

SECTOR PARTNERSHIP NETWORKS

The foregoing appropriation item 195553, Industry Sector Partnerships,

shall be used for the grant program described in section 122.179 of the Revised Code.

Notwithstanding section 122.179 of the Revised Code, of the foregoing appropriation item 195553, Industry Sector Partnerships, up to \$3,500,000 in fiscal year 2022 shall be allocated to the National Additive Manufacturing Innovation Institute, in partnership with Eastern Gateway Community College, to create workforce initiatives for each of the following populations: (1) fifth through twelfth grade students, (2) adult workers, and (3) minority and economically disadvantaged individuals.

Notwithstanding section 122.179 of the Revised Code, of the foregoing appropriation item 195553, Industry Sector Partnerships, \$46,250 in each fiscal year shall be allocated to Jewish Vocational Service of Cincinnati to support workforce development costs involved with assisting in employment services for the financially indigent.

On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of the fiscal year 2022 appropriation to the foregoing appropriation item. The certified amount is hereby reappropriated to the foregoing appropriation item in fiscal year 2023.

MAIN STREET JOB RECOVERY PROGRAM

The foregoing appropriation item 195566, Main Street Job Recovery Program, shall be used by the Department of Development or in coordination with a statewide community development organization to provide grants to nonprofit organizations to create permanent business development and employment opportunities targeted to low- and moderate-income individuals or individuals of the reentry population. Grants shall be awarded by the Department based on the following criteria: (1) number of businesses created and expanded, (2) number of jobs created for low- and moderate-income individuals, and (3) the amount of funds leveraged as a result of the program.

Not later than June 30 of each year during the FY 2022-FY 2023 biennium, the Department of Development shall submit a written report describing the outcomes of the Main Street Job Recovery Program to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Legislative Service Commission.

SECTION 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation line item 195901, Coal Research and

Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.07 of the Revised Code.

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.10 of the Revised Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 195912, Job Ready Site Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.11 of the Revised Code.

SECTION 259.30. MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2023, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division and Business Services Division.

MINORITY BUSINESS ENTERPRISE LOAN

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the state treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

BROADBAND DEVELOPMENT GRANTS

The foregoing appropriation item 195550, Broadband Development Grants, shall be used to issue grants for broadband development. An amount equal to the unexpended, unencumbered portion remaining in appropriation item 195550, Broadband Development Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

Of the foregoing appropriation item 195550, Broadband Development Grants, up to \$2,000,000 in the biennium ending June 30, 2023, may be used for a statewide initiative to support providing behavioral health in schools through telehealth.

SPECIAL PROJECTS

The foregoing appropriation item 195571, Special Projects, shall be used by the Director of Development to distribute funds to the City of Sidney to support site preparation or remediation or both. Any funds distributed to the City of Sidney under this section shall be matched in an amount equal to or greater than the amount being distributed. The City of Sidney may use city, county, or federal funding sources to provide the matching funds. An amount equal to the unexpended, unencumbered balance remaining in appropriation item 195571 Special Projects, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

ADVANCED ENERGY LOAN PROGRAMS

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development.

SPORTS EVENTS GRANTS

The foregoing appropriation item 195496, Sports Events Grants, shall be used for grants as described in sections 122.12 and 122.121 of the Revised Code.

On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of appropriation item 195496, Sports Events Grants, to be reappropriated in fiscal year 2023. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

MBD FINANCIAL ASSISTANCE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management may transfer \$20,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby created in the state treasury. All repayments from loans using Fund 5XH0 shall be credited to the fund.

MINORITY BUSINESS MICROLOAN

The foregoing appropriation item 195694, Micro-Enterprise Loan, shall be used to operate the Minority Business Microloan Program.

WOMEN-OWNED BUSINESS LOAN

The foregoing appropriation item 195632, Women-Owned Business Loan, shall be used to operate the Women-Owned Business Loan Program.

LODGING INDUSTRY GRANTS

The foregoing appropriation item 195562, Lodging Industry Grants, shall be used by the Department of Development to provide grants for lodging industry businesses impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as a demonstrated loss of revenue and occupancy rates.

ENTERTAINMENT VENUES

The foregoing appropriation item 195621, Coronavirus Relief - Entertainment Venues, shall be used by the Department of Development to

provide grants to entertainment venues impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000. Awards shall be based on factors such as demonstrated loss of revenue due to canceled events or performances.

NEW BUSINESS RELIEF GRANT

The foregoing appropriation item 195630, Coronavirus Relief - New Business Relief Grants, shall be used by the Department of Development to provide relief grants of \$10,000 for new businesses in this state opening after January 1, 2020.

BAR AND RESTAURANT ASSISTANCE

The foregoing appropriation item 195677, Bar and Restaurant Assistance, shall be used by the Department of Development to provide grants to bars and restaurants that have been impacted by the COVID-19 pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, and \$30,000 and shall be awarded based on factors such as demonstrated loss of revenue and the number of employees eligible bars and restaurants employ.

MEAT PROCESSING INVESTMENT PROGRAM

The foregoing appropriation item 195408, Meat Processing Investment Program, shall be used to make grants to meat processing plants in accordance with Section 701.90 of this act.

COMMUNITY IMPROVEMENTS

The foregoing appropriation item 195569, Community Improvements, shall be allocated to the City of Zanesville to support the financing of road slip repairs.

BROWNFIELD REMEDIATION

The foregoing appropriation item 1956A2, Brownfield Remediation, shall be used to award grants under the Brownfield Remediation Program as described in section 122.6511 of the Revised Code. An amount up to two and one-half per cent of the foregoing appropriation item 1956A2, Brownfield Remediation, may be used to pay the administrative costs of the program. The unexpended, unencumbered balance in appropriation item 1956A2, Brownfield Remediation, remaining at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

DEMOLITION AND SITE REVITALIZATION

The foregoing appropriation item 1956A3, Demolition and Site Revitalization, shall be used to award grants under the Building Demolition and Site Revitalization Program as described in section 122.6512 of the Revised Code. An amount up to two and one-half per cent of the foregoing appropriation item 1956A3, Demolition and Site Revitalization, may be used to pay the administrative costs of the program. The unexpended,

unencumbered balance in appropriation item 1956A3, Demolition and Site Revitalization, remaining at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

VOLUME CAP ADMINISTRATION

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.

SECTION 259.40. SUPPORTIVE SERVICES FUND

On July 1 of each year in the biennium ending June 30, 2023, or as soon as possible thereafter, respectively, the Director of Budget and Management may transfer up to \$2,000,000 from the State Special Projects Fund (Fund 4F20) to the Supportive Services Fund (Fund 1350).

DEVELOPMENT SERVICES OPERATIONS

The Director of Development may assess offices of the department for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

SECTION 259.50. CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an amount not to exceed \$2,000,000 cash in each fiscal year between the Minority Business

Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

INNOVATION OHIO

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.

RESEARCH AND DEVELOPMENT

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

FACILITIES ESTABLISHMENT

The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.

In the biennium ending June 30, 2023, notwithstanding section 127.14 and division (B) of section 131.35 of the Revised Code, the Controlling Board may authorize expenditures, in excess of the amount appropriated, but not to exceed the limitation set in division (E) of section 131.35 of the Revised Code, using the Facilities Establishment Fund (Fund 7037) for purposes consistent with Chapter 166. of the Revised Code. The amounts authorized by the Controlling Board are hereby appropriated.

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND

Notwithstanding Chapter 166. of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the Facilities Establishment Fund (Fund 7037) to the Rural Industrial Park Loan Fund (Fund 4Z60). The cash transfer is subject to Controlling Board approval under section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000

in cash in each fiscal year from Fund 7037 to the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.

SECTION 259.60. THIRD FRONTIER OPERATING COSTS

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS

The foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, shall be used to fund selected projects which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of Fund 7011 and Fund 7014 are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2023, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2023. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2023.

SECTION 259.70. HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development.

SECTION 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND

The foregoing appropriation item 195606, TechCred Program, shall be used for the programs described under sections 122.178 and 122.1710 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Director of Development, in consultation with the Treasurer of State, shall certify to the Director of Budget and Management the amount of bond proceeds collected under Chapter 3366. of the Revised Code in the semiannual period beginning January 1, 2021, and ending June 30, 2021. The Director of Budget and Management shall transfer an amount of cash equal to the certified amount from the fund designated by the Treasurer of State to receive the bond proceeds collected under Chapter 3366. of the Revised Code to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0).

SECTION 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES**General Revenue Fund**

GRF 320411	Special Olympics	\$	100,000	\$	100,000
GRF 320412	Protective Services	\$	2,450,000	\$	2,600,000
GRF 320415	Developmental Disabilities	\$	27,000,000	\$	27,000,000
	Facilities Lease Rental Bond				
	Payments				
GRF 322421	Part C Early Intervention	\$	23,326,431	\$	23,326,431
GRF 322422	Multi System Youth	\$	2,500,000	\$	4,000,000
GRF 322508	Employment First Initiative	\$	2,700,000	\$	2,700,000
GRF 322509	Community Supports and	\$	2,300,000	\$	700,000
	Rental Assistance				
GRF 322510	Best Buddies Ohio	\$	100,000	\$	100,000
GRF 653321	Medicaid Program Support -	\$	7,000,000	\$	7,000,000
	State				
GRF 653407	Medicaid Services	\$	655,397,881	\$	745,826,590
TOTAL GRF	General Revenue Fund	\$	722,874,312	\$	813,353,021

Dedicated Purpose Fund Group

2102

2210	322620	Supplement Service Trust	\$	500,000	\$	500,000
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000
5EV0	653627	Medicaid Program Support	\$	2,500,000	\$	2,500,000
5GE0	320606	Central Office Operating Expenses	\$	20,500,000	\$	20,500,000
5GE0	653606	ICF/IID and Waiver Match	\$	60,100,000	\$	60,100,000
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000
5S20	653622	Medicaid Administration and Oversight	\$	29,000,000	\$	30,000,000
5Z10	653624	County Board Waiver Match	\$	420,000,000	\$	482,000,000
TOTAL DPF Dedicated Purpose Fund Group			\$	541,250,000	\$	604,250,000
Internal Service Activity Fund Group						
1520	653609	DC and Residential Facilities Operating Services	\$	11,000,000	\$	12,000,000
TOTAL ISA Internal Service Activity Fund Group			\$	11,000,000	\$	12,000,000
Federal Fund Group						
3250	322612	Community Social Service Programs	\$	26,997,635	\$	26,997,635
3A40	653654	Medicaid Services	\$	2,235,086,668	\$	2,269,126,558
3A40	653655	Medicaid Support	\$	73,000,000	\$	76,000,000
3A50	320613	Developmental Disabilities Council	\$	3,200,000	\$	3,200,000
TOTAL FED Federal Fund Group			\$	2,338,284,303	\$	2,375,324,193
TOTAL ALL BUDGET FUND GROUPS			\$	3,613,408,615	\$	3,804,927,214

SECTION 261.20. SPECIAL OLYMPICS

The foregoing appropriation item 320411, Special Olympics, shall be distributed to the Special Olympics of Ohio.

SECTION 261.30. DEVELOPMENTAL DISABILITIES FACILITIES LEASE-RENTAL BOND PAYMENTS

The foregoing appropriation item 320415, Developmental Disabilities Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Developmental Disabilities pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

SECTION 261.35. PART C EARLY INTERVENTION

Of the foregoing appropriation item 322421, Part C Early Intervention,

\$1,000,000 in each fiscal year shall be used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three years old with blindness or low vision.

SECTION 261.40. MULTI-SYSTEM YOUTH

Of the foregoing appropriation item 322422, Multi-System Youth, a portion may be used to provide a subsidy to eligible county boards of developmental disabilities for the provision of respite services and other services and supports for youth with complex or multi-system needs to enable them to remain in their homes with their families or in their communities. The Director of Developmental Disabilities shall establish the total amount available for the subsidy, a formula for distributing the subsidy to eligible county boards, and the eligibility requirements county boards must satisfy to receive the subsidy.

SECTION 261.50. EMPLOYMENT FIRST INITIATIVE

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility

determination, order of selection, plan approval, plan amendment, and release of vendor payments.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

SECTION 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

SECTION 261.65. BEST BUDDIES OHIO

The foregoing appropriation item 322510, Best Buddies Ohio, shall be provided to the Best Buddies Ohio program to support the delivery and expansion of inclusion services throughout Ohio colleges and communities.

SECTION 261.70. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the

consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;

(4) ICF/IID services; and

(5) Other programs as identified by the Director of Developmental Disabilities.

SECTION 261.80. OPERATING AND SERVICES

Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.

SECTION 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS

A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:

(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:

(1) Conduct forums and hearings;

(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

(4) Hire staff;

(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.

SECTION 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES

As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2022 and fiscal year 2023 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

SECTION 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT

If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department that the county board did not pay. Transfers under this section shall be made using an intrastate transfer voucher.

SECTION 261.120. ODODD INNOVATIVE PILOT PROJECTS

(A) In fiscal year 2022 and fiscal year 2023, the Director of Developmental Disabilities may authorize the continuation or implementation of one or more innovative pilot projects that, in the judgment of the Director, are likely to assist in promoting the objectives of Chapter 5123. or 5126. of the Revised Code. Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

SECTION 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.

(3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.

(4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services.

SECTION 261.140. PAYMENT RATES FOR
HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO
QUALIFYING IO ENROLLEES

(A) As used in this section:

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Waiver.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2021, and ending July 1, 2023, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine

homemaker/personal care services provided to qualifying IO enrollees.

SECTION 261.150. FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "peer group 4," "peer group 5," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1, peer group 2, peer group 3, peer group 4, or peer group 5 and to which any of the following, as applicable to a fiscal year, applies:

(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2022, any of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2021, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2022.

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2022, the existing operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2022.

(iii) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2022.

(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2023, any of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2022, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2023.

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2023, the existing operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2023.

(iii) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2023.

(2) Notwithstanding Chapter 5124. of the Revised Code, the Department

of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal years 2022 and 2023 by ICFs/IID subject to this section.

(C)(1) For fiscal year 2022, the Department shall pay the following rates for ICF/IID services:

(a) For each ICF/IID described in division (B)(1)(a)(i) of this section, the total per Medicaid day rate in effect for the ICF/IID on June 30, 2021, increased by two per cent;

(b) For each ICF/IID described in division (B)(1)(a)(ii) of this section, the total per Medicaid day rate in effect for the ICF/IID on the day immediately preceding the effective date of the change of operator;

(c) For each ICF/IID described in division (B)(1)(a)(iii) of this section, a total per Medicaid day rate of \$357.89.

(2) If the mean total per Medicaid day rate for all ICFs/IID to which the section applies, as determined under division (B)(1)(b) of this section, as of July 1, 2022, and weighted by May Medicaid days from calendar year 2022, is greater than \$365.05, the Department shall adjust, for fiscal year 2023, the total per Medicaid day rate for each ICF/IID to which this section applies by the percentage by which the mean total per Medicaid day rate is greater than \$365.05.

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(E) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal years 2022 and 2023.

SECTION 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE TECHNOLOGY FIRST INITIATIVE

Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, up to \$1,600,000 in fiscal year 2022 may be used to increase access and utilization of innovative technology for individuals with developmental disabilities in accordance with the Technology First Initiative established in section 5123.025 of the Revised Code. Not less than \$100,000 in fiscal year 2022 from this earmark shall be distributed to Creative Housing, Inc. to be used to provide or increase access to technology for

individuals with developmental disabilities. An amount equal to the unexpended, unencumbered balance of this earmark at the end of fiscal year 2022 is hereby reappropriated to appropriation item 322509, Community Supports and Rental Assistance, for the same purpose for fiscal year 2023.

SECTION 261.170. PAYMENT RATE FOR DD-ADMINISTERED WAIVER SERVICES

(A) As used in this section:

(1) "Adult day services" means nonresidential services including adult day support, career planning, group employment support, individual employment support, nonmedical transportation, and vocational habilitation.

(2) "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, that is administered by the Department of Developmental Disabilities.

(3) "Residential services" means the following services:

- (a) Homemaker/personal care services;
- (b) Informal, community, or residential respite services;
- (c) On-site/on-call services;
- (d) Shared living services;
- (e) Transportation services.

(B) For fiscal year 2022, the Medicaid payment rate for adult day services and residential services provided under a DD-administered waiver shall equal the rates for the services in effect on June 30, 2021, increased by two per cent.

(C) For fiscal year 2023, the Medicaid payment rate for adult day services and residential services provided under a DD-administered waiver shall equal the rates for the services in effect on June 30, 2022, increased by two per cent.

SECTION 261.190. PROTECTION AND ADVOCACY TRANSPARENCY AMENDMENT

The enactment of section 5123.603 of the Revised Code by this act shall be known as the "Protection and Advocacy Transparency Amendment."

SECTION 265.10. EDU DEPARTMENT OF EDUCATION

General Revenue Fund

GRF 200321	Operating Expenses	\$	14,383,592	\$	14,686,404
GRF 200408	Early Childhood Education	\$	68,116,789	\$	68,116,789
GRF 200420	Information Technology	\$	3,680,482	\$	3,680,482

GRF 200422	Development and Support School Management Assistance	\$	2,337,711	\$	2,337,711
GRF 200424	Policy Analysis	\$	450,950	\$	450,950
GRF 200426	Ohio Educational Computer Network	\$	15,107,422	\$	15,107,422
GRF 200427	Academic Standards	\$	3,883,525	\$	3,883,525
GRF 200437	Student Assessment	\$	56,282,168	\$	56,282,168
GRF 200439	Accountability/Report Cards	\$	7,168,977	\$	7,197,050
GRF 200442	Child Care Licensing	\$	2,127,153	\$	2,127,153
GRF 200446	Education Management Information System	\$	8,174,415	\$	8,174,415
GRF 200448	Educator Preparation	\$	3,457,740	\$	3,457,740
GRF 200455	Community Schools and Choice Programs	\$	3,412,546	\$	3,412,546
GRF 200457	STEM Initiatives	\$	320,000	\$	0
GRF 200465	Education Technology Resources	\$	4,881,854	\$	4,881,854
GRF 200478	Industry-Recognized Credentials High School Students	\$	20,500,000	\$	20,500,000
GRF 200502	Pupil Transportation	\$	656,379,809	\$	680,379,809
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500
GRF 200511	Auxiliary Services	\$	156,744,175	\$	158,591,274
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	70,813,735	\$	71,647,683
GRF 200540	Special Education Enhancements	\$	180,850,000	\$	185,850,000
GRF 200545	Career-Technical Education Enhancements	\$	14,090,892	\$	18,290,892
GRF 200550	Foundation Funding - All Students	\$	6,937,998,712	\$	7,079,848,712
GRF 200566	Literacy Improvement	\$	1,552,172	\$	1,552,172
GRF 200572	Adult Education Programs	\$	9,752,210	\$	9,752,210
GRF 200574	Half-Mill Maintenance Equalization	\$	17,464,102	\$	15,238,834
GRF 200576	Adaptive Sports Program	\$	250,000	\$	250,000
GRF 200597	Program and Project Support	\$	3,800,000	\$	3,800,000
GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978
TOTAL GRF General Revenue Fund		\$	8,273,242,609	\$	8,448,759,273
Dedicated Purpose Fund Group					
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000
4L20 200681	Teacher Certification and Licensure	\$	14,000,000	\$	14,000,000
5980 200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
5H30 200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000
5KX0 200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000
5MM0200677	Child Nutrition Refunds	\$	550,000	\$	550,000
5U20 200685	National Education Statistics	\$	175,000	\$	175,000
5VS0 200604	Foundation Funding - All Students	\$	500,000,000	\$	600,000,000

5VU0	200663	School Bus Purchase	\$	50,000,000	\$	0
6200	200615	Educational Improvement Grants	\$	600,000	\$	600,000
TOTAL DPF Dedicated Purpose Fund Group			\$	570,875,000	\$	620,875,000
Internal Service Activity Fund Group						
1380	200606	Information Technology Development and Support	\$	8,289,074	\$	8,537,746
4R70	200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766
4V70	200633	Interagency Program Support	\$	5,000,000	\$	5,000,000
TOTAL ISA Internal Service Activity Fund Group			\$	21,145,840	\$	21,394,512
State Lottery Fund Group						
7017	200612	Foundation Funding - All Students	\$	1,264,200,000	\$	1,242,500,000
7017	200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000
7017	200631	Quality Community Schools Support	\$	54,000,000	\$	54,000,000
7017	200684	Community School Facilities	\$	42,000,000	\$	42,000,000
TOTAL SLF State Lottery Fund Group			\$	1,361,700,000	\$	1,340,000,000
Federal Fund Group						
3670	200607	School Food Services	\$	12,254,397	\$	12,611,321
3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000
3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500
3AN0	200671	School Improvement Grants	\$	17,000,000	\$	0
3C50	200661	Early Childhood Education	\$	14,000,000	\$	14,000,000
3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
3EJ0	200622	Homeless Children Education	\$	3,600,000	\$	3,600,000
3FE0	200669	Striving Readers	\$	2,000,000	\$	0
3GE0	200674	Summer Food Service Program	\$	60,000,000	\$	30,000,000
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,145,074	\$	5,145,074
3HF0	200649	Federal Education Grants	\$	7,056,327	\$	7,056,327
3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720
3HL0	200678	Comprehensive Literacy State Development Program	\$	14,630,000	\$	14,630,000
3HS0	200640	Federal Coronavirus School Relief	\$	57,250,000	\$	75,250,000
3L60	200617	Federal School Lunch	\$	430,837,000	\$	430,837,000
3L70	200618	Federal School Breakfast	\$	163,350,081	\$	163,350,081
3L80	200619	Child/Adult Food Programs	\$	113,328,580	\$	113,328,580
3L90	200621	Career-Technical Education Basic Grant	\$	46,000,000	\$	46,000,000
3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
3M20	200680	Individuals with Disabilities Education Act	\$	490,000,000	\$	500,000,000
3T40	200613	Public Charter Schools	\$	4,500,000	\$	4,500,000
3Y20	200688	21st Century Community Learning Centers	\$	43,000,000	\$	43,000,000
3Y60	200635	Improving Teacher Quality	\$	77,000,000	\$	77,000,000

3Y70	200689	English Language Acquisition	\$	11,000,000	\$	11,000,000
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000
3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000
3Z30	200645	Consolidated Federal Grant Administration	\$	10,900,000	\$	10,900,000
TOTAL FED Federal Fund Group			\$	2,243,489,679	\$	2,222,846,603
TOTAL ALL BUDGET FUND GROUPS			\$	12,470,453,128	\$	12,653,875,388

SECTION 265.20. OPERATING EXPENSES

A portion of the foregoing appropriation item 200321, Operating Expenses, shall be used by the Department of Education to provide matching funds related to career-technical education under 20 U.S.C. 2321.

EARLY CHILDHOOD EDUCATION

The Department of Education shall distribute the foregoing appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs. The Department shall distribute such funds directly to qualifying providers.

(A) As used in this section:

(1) "Provider" means a city, local, exempted village, or joint vocational school district; an educational service center; a community school established under Chapter 3314. of the Revised Code that is sponsored by an exemplary sponsor; notwithstanding anything to the contrary in Chapter 3326. of the Revised Code, a STEM school that is established under that chapter; a chartered nonpublic school; an early childhood education child care provider licensed under Chapter 5104. of the Revised Code that participates in and meets at least the third highest tier of the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code; or a combination of entities described in this paragraph.

(2) In the case of a city, local, or exempted village school district or early childhood education child care provider licensed under Chapter 5104. of the Revised Code, "new eligible provider" means a provider that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) In the case of a community school, "new eligible provider" means either of the following:

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did

not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same meaning as in section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance.

The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2022, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of H.B. 166 of the 133rd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2023, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

(2) Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest

to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved provider shall administer and use such property and funds for the purposes specified.

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is licensed by the Department of Education and is not highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section

3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards developed by the Department;

(c) Meet any child or program assessment requirements prescribed by the Department;

(d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;

(e) Document and report child progress as prescribed by the Department;

(f) Meet and report compliance with the early learning program standards as prescribed by the Department;

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code.

(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program.

(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule.

(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section

5101.46 of the Revised Code, for the early childhood education program.

The Department shall conduct an annual survey of each provider to determine whether the provider charges families tuition or fees, the amount families are charged relative to family income levels, and the number of families and students charged tuition and fees for the early childhood program.

(K) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program standards, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any unexpended funds to the Department along with any reports prescribed by the Department. The funding made available from a program that waives its right for funding or has its funding eliminated or reduced may be used by the Department for new grant awards or expansion grants. The Department may award new grants or expansion grants to eligible providers who apply. The eligible providers who apply must do so in accordance with the selection process established by the Department.

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Education and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

SECTION 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

SECTION 265.50. SCHOOL MANAGEMENT ASSISTANCE

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

SECTION 265.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative and statistical education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings regarding current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

SECTION 265.70. OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$9,686,658 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, high schools chartered by the Ohio Department of Youth Services, or high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$4,843,329 in each fiscal year shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by State

Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information systems as well as the teacher student linkage/roster verification process and systems to support electronic sharing of student records and transcripts between entities. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

SECTION 265.80. ACADEMIC STANDARDS

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum. The Department shall use a portion of these funds in partnership with educational service centers, consistent with requirements of section 3312.01 of the Revised Code, in the development and delivery of professional development programs supported under this section.

SECTION 265.90. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.

Of the foregoing appropriation item 200437, Student Assessment, up to \$543,168 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination

Program tests for low-income students.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code.

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT

In fiscal year 2022 and fiscal year 2023, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of sections 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act for assessments of student performance, the Superintendent may recommend to the Director of Budget and Management the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment. If the Director determines that such a reallocation is required, the Director may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment.

SECTION 265.100. ACCOUNTABILITY/REPORT CARDS

Of the foregoing appropriation item 200439, Accountability/Report Cards, a portion in each fiscal year shall be used to train district and regional specialists and district educators in the use of the value-added progress dimension and in the use of data as it relates to improving student achievement. This training may include teacher and administrator professional development in the use of data to improve instruction and student learning, and teacher and administrator training in understanding teacher value-added reports and how they can be used as a component in measuring teacher and administrator effectiveness. A portion of this funding shall be provided to educational service centers to support training and professional development under this section consistent with section 3312.01 of the Revised Code.

The remainder of appropriation item 200439, Accountability/Report Cards, shall be used by the Department of Education to incorporate a statewide value-added progress dimension into performance ratings for school districts and for the development of an accountability system that

includes the preparation and distribution of school report cards, funding and expenditure accountability reports under sections 3302.03 and 3302.031 of the Revised Code, the development and maintenance of teacher value-added reports, the teacher student linkage/roster verification process, and the performance management section of the Department's web site required by section 3302.26 of the Revised Code.

CHILD CARE LICENSING

The foregoing appropriation item 200442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs under sections 3301.52 to 3301.59 of the Revised Code.

SECTION 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200446, Education Management Information System, up to \$400,000 in each fiscal year shall be used to support grants to information technology centers to provide professional development opportunities to district and school personnel related to the EMIS, with a focus placed on data submission and data quality.

Of the foregoing appropriation item 200446, Education Management Information System, up to \$725,000 in each fiscal year shall be distributed to designated information technology centers for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services.

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Superintendent of Public Instruction, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

SECTION 265.120. EDUCATOR PREPARATION

(A) Of the foregoing appropriation item 200448, Educator Preparation, up to \$339,783 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

(B) Of the foregoing appropriation item 200448, Educator Preparation, up to \$67,957 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the Revised Code.

(C) Of the foregoing appropriation item 200448, Educator Preparation, \$2,000,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members, to train and develop first-year and second-year teachers in the Teach for America program in Ohio, and to support the ongoing development and impact of Teach for America alumni working in Ohio.

(D) Of the foregoing appropriation item 200448, Educator Preparation, \$200,000 in each fiscal year shall be used to support training for selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

(E) Of the foregoing appropriation item 200448, Educator Preparation, up to \$500,000 in each fiscal year shall be used to support the SmartOhio Financial Literacy Program at the University of Cincinnati.

(F) Of the foregoing appropriation item 200448, Educator Preparation, \$250,000 in each fiscal year shall be used to support regionally tailored professional development and strategic training for teachers in STEM fields through the PAST Foundation's STEM Educator Professional Development Collaborative.

(G) Of the foregoing appropriation item 200448, Educator Preparation, \$100,000 in each fiscal year shall be distributed to The Childhood League Center to provide intensive early intervention and educational services in Franklin County, to support the Play and Language for Autistic Youngsters (PLAY) Project in underserved counties, and to provide services and training for providers and families. Not later than July 1, 2022, the Department of Education shall conduct a study on the efficacy and results of services and training provided to parents and teachers through the PLAY Project and shall submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission.

(H) Notwithstanding any provision of law to the contrary, awards under this section may be used by recipients for award-related expenses incurred

for a period not to exceed two years from the date of the award according to guidelines established by the Department of Education.

(I) Awards under division (H) of Section 265.120 of H.B. 166 of the 133rd General Assembly may be used by recipients for award-related expenses incurred through June 30, 2023.

SECTION 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the Office of Community Schools and the Office of Nonpublic Educational Options.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, up to \$2,000,000 in each fiscal year shall be used by the Office of Nonpublic Educational Options to administer school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

SECTION 265.135. STEM INITIATIVES

The foregoing appropriation item 200457, STEM Initiatives, shall be distributed to the Educational Service Center of the Western Reserve for a pilot project that supports innovative STEM initiatives for middle school students in Ashtabula, Cuyahoga, Geauga, Lake, Portage, and Trumbull counties affiliated with the Alliance for Working Together. These initiatives shall provide middle school students with early access to programming, engineering design, and problem-solving skills, the goal of which is to build a strong regional pipeline of future manufacturing workers who can fill high-paying, sustainable positions in the automated manufacturing industry. Not later than July 31, 2022, the Educational Service Center of the Western Reserve shall submit a report that describes the progress of the pilot project, including the number of students participating, to the standing committees of the House of Representatives and the Senate that are primarily responsible for considering economic development issues.

SECTION 265.140. EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$2,500,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools. Consideration shall be given by the Department of Education to coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems.

SECTION 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$8,000,000 in each fiscal year may be used by the Department of Education to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn an industry-recognized credential or receive a journeyman certification recognized by the United States Department of Labor in the school year preceding the fiscal year in which the funds are appropriated. The educating

entity shall be required to inform students enrolled in career-technical education courses that lead to an industry-recognized credential about the opportunity to earn these credentials. The Department of Education shall work with the Department of Higher Education and the Governor's Office of Workforce Transformation to develop a schedule for reimbursement based on the testing fees for credentials included on the Department of Education's list of industry-recognized credentials. The educating entity shall pay for the cost of the credential and may claim and receive reimbursement for these testing fees. The educating entity may claim reimbursement for testing fees incurred on behalf of a student that earns a credential up to six months after the student has graduated from high school. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$12,500,000 in each fiscal year may be used by the Department of Education and the Governor's Office of Workforce Transformation to establish and operate the Innovative Workforce Incentive Program. In establishing the program, the Office of Workforce Transformation shall maintain a list of credentials that qualify for the program. The Department of Education shall pay each city, local, and exempted village school district, community school, STEM school, and joint vocational school district an amount equal to \$1,250 for each qualifying credential a student attending the district or school earned in the school year preceding the fiscal year in which the funds are appropriated. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

SECTION 265.150. PUPIL TRANSPORTATION

Of the foregoing appropriation item 200502, Pupil Transportation, up to \$838,930 in each fiscal year may be used by the Department of Education for training prospective and experienced school bus drivers in accordance with training programs prescribed by the Department. A portion of these funds may also be used to pay for costs associated with the enrollment of bus drivers in the retained applicant fingerprint database.

Of the foregoing appropriation item 200502, Pupil Transportation, \$250,000 in each fiscal year shall be used to award transportation collaboration grants pursuant to section 3317.072 of the Revised Code.

Of the foregoing appropriation item 200502, Pupil Transportation, up to \$117,469,220 in fiscal year 2022 and up to \$123,469,220 in fiscal year 2023 may be used by the Department for special education transportation

reimbursements to school districts and county DD boards for transportation operating costs as provided in divisions (C) and (F) of section 3317.024 of the Revised Code.

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), (G), (H), and (I) of section 3317.0212, and division (A)(2) of section 3317.019 of the Revised Code.

PAYMENTS IN LIEU OF TRANSPORTATION

For purposes of division (D) of section 3327.02 of the Revised Code, if a parent, guardian, or other person in charge of a pupil accepts an offer from a school district of payment in lieu of providing transportation for the pupil, the school district shall pay that parent, guardian, or other person an amount not less than fifty per cent and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

SECTION 265.160. SCHOOL LUNCH MATCH

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation after providing matching funds for the school lunch program may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

SECTION 265.170. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code.

Notwithstanding any provision of the law to the contrary, any chartered

nonpublic school may elect to receive auxiliary services payments under division (E)(2) of section 3317.024 of the Revised Code for the 2021-2022 and 2022-2023 school years. To elect to receive funds under division (E)(2) of section 3317.024 of the Revised Code, a chartered nonpublic school shall, not later than July 31, 2021, notify the Department of Education and the school district in which the school is located of the election and submit to the Department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. A chartered nonpublic school that elects to receive direct payment may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf for the 2021-2022 and 2022-2023 school years by notifying the Department of the organization's name not later than July 31, 2021.

SECTION 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Payments made by the Department for this purpose shall not exceed four hundred seventy-five dollars per student for each school year.

SECTION 265.190. SPECIAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$37,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education

Enhancements, the Department shall transfer \$3,500,000 in each fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,000,000 in each fiscal year shall be used by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall include, but not be limited to, job exploration counseling, work-based learning experiences, counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education, workplace readiness training to develop occupational skills, social skills and independent living skills, and instruction in self-advocacy. Regional training shall support the expansion of transition to work endorsement opportunities for middle school and secondary level special education intervention specialists in order to develop the necessary skills and competencies to meet the secondary transition needs of students with disabilities beginning at fourteen years of age.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to

school districts and institutions, as defined in section 3323.091 of the Revised Code, for preschool special education funding under section 3317.0213 of the Revised Code.

The Department may reimburse school districts and institutions for services provided by instructional assistants, related services, as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-27 of the Administrative Code, and occupational therapy services provided by a licensed occupational therapist or occupational therapy assistant under the supervision of a licensed occupational therapist, as required under Chapter 4755. of the Revised Code and Chapter 4755-7 of the Administrative Code. Nothing in this section authorizes occupational therapy assistants or physical therapist assistants to generate or manage their own caseloads.

The Department shall require school districts, educational service centers, county DD boards, and institutions serving preschool children with disabilities to adhere to Ohio's early learning program standards, participate in the Step Up to Quality Program established pursuant to section 5104.29 of the Revised Code, and document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and method shall be determined by the Department. All programs shall be rated through the Step Up to Quality Program.

SECTION 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$4,200,000 in fiscal year 2022 and up to \$8,400,000 in fiscal year 2023 shall be used to pay career awareness and exploration funds pursuant to division (E) of section 3317.014 of the Revised Code. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,563,568 in each fiscal year shall be used to fund secondary career-technical education at institutions, the Ohio School for the Deaf, and the Ohio State School for the Blind using a grant-based methodology, notwithstanding section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,686,474 in each fiscal year shall be used

by the Department of Education to fund competitive grants to tech prep regional centers that expand the number of students with access to career-technical education. These grant funds shall be used to directly support career services provided to students enrolled in school districts, including joint vocational school districts, and affiliated higher education institutions. This support may include the purchase of equipment.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$3,000,850 in each fiscal year shall be used by the Department to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$600,000 in each fiscal year shall be used by the Department to enable students in agricultural programs to enroll in a fifth quarter of instruction based on the agricultural education model of delivering work-based learning through supervised agricultural experience. The Department shall determine eligibility criteria and the reporting process for the Agriculture 5th Quarter Project and shall fund as many programs as possible given the set-aside. The eligibility criteria developed by the Department shall allow these funds to support supervised agricultural experience that occurs anytime outside of the regular school day.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$240,000 in each fiscal year shall be used to support the Ohio Code-Scholar Pilot Program created in section 3313.905 of the Revised Code.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$550,000 in each fiscal year may be used to support career planning and reporting through the OhioMeansJobs web site.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$250,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

SECTION 265.210. FOUNDATION FUNDING - ALL STUDENTS

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools,

and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$42,500,000 in fiscal year 2022 and up to \$45,000,000 in fiscal year 2023 shall be reserved to fund the state reimbursement of educational service centers under section 3317.11 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$7,000,000 in each fiscal year shall be reserved for payments under the section of this act entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding - All Students, is not exceeded.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$2,000,000 in each fiscal year shall be used to support the administration of state scholarship programs.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$3,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with sections 3317.16 and 3317.162 of the Revised Code and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$700,000 in each fiscal year shall be used by the Department for a program to pay for educational services for youth who have been assigned by a juvenile court or other authorized agency to any of the facilities described in division (A) of the section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT."

Of the foregoing appropriation item 200550, Foundation Funding - All Students, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,760,000 in each fiscal year may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$1,500,000 in each fiscal year shall be distributed to the Ohio STEM Learning Network to support the expansion of free STEM programming aligned to Ohio's STEM priorities, to create regional STEM supports targeting underserved student populations, and to support the Ohio STEM Committee's STEM school designation process.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$2,500,000 in each fiscal year shall be used to make supplemental payments under Section 5 of H.B. 123 of the 133rd General Assembly, as amended by this act. If the amount appropriated is insufficient, the Department shall prorate the payments so that the aggregate amount appropriated in this section is not exceeded.

The remainder of the foregoing appropriation item 200550, Foundation Funding - All Students, shall be used to distribute the amounts calculated for formula aid under division (B) of section 3313.979, division (A)(1) of section 3317.019, section 3317.022 of the Revised Code, and the section of this act entitled "FORMULA TRANSITION SUPPLEMENT."

Appropriation items 200502, Pupil Transportation, and 200550, Foundation Funding - All Students, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, joint vocational school districts, and state scholarship

programs under this act. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other General Revenue Fund appropriation items in the Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII of the Revised Code by this act. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII of the Revised Code in this act are effective. Upon the effective date of changes made to Title XXXIII of the Revised Code in this act, funds shall be calculated as an annual amount.

SECTION 265.215. GENERAL PHASE-IN PERCENTAGE

For purposes of division (X)(1) of section 3317.02 of the Revised Code, the General Assembly has determined that the general phase-in percentage for fiscal year 2022 shall be 16.67 per cent and the general phase-in percentage for fiscal year 2023 shall be 33.33 per cent.

SECTION 265.220. PHASE-IN PERCENTAGE FOR DISADVANTAGED PUPIL IMPACT AID

For purposes of division (X)(2) of section 3317.02 of the Revised Code, the General Assembly has determined that the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2022 shall be 0 per cent and the phase-in percentage for disadvantaged pupil impact aid for fiscal year 2023 shall be 14 per cent.

SECTION 265.225. FORMULA TRANSITION SUPPLEMENT

(A)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (A)(1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the

Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code;

(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(C)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each community school established under Chapter 3314. of the Revised Code according to the following formula:

[(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) – (the school's payments for the fiscal year for which the supplement is calculated under sections 3317.022 and 3317.0212 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under division (C)(1) of section 3314.08 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

[(The school's funding base for fiscal year 2021 / the number of students enrolled in the school for fiscal year 2021) – (the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code / the number of students enrolled in the school for the fiscal year for which the supplement is calculated)] X the number of students enrolled in the school for the fiscal year for which the supplement is calculated.

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

SECTION 265.237. POWER PLANT VALUATION ADJUSTMENT

(A)(1) On or before May 15, 2022, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2021 was less than the taxable

value of such property during tax year 2020.

(2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2021;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2021;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (A)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

(a) The lesser of the following:

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A)(3) of this section and the district's recomputed state education aid for fiscal year 2019;

(ii) The absolute value of the amount certified under division (A)(2)(b) of this section.

(b) The absolute value of the amount certified under division (A)(2)(b) of this section X 0.50.

(B)(1) On or before May 15, 2023, the Tax Commissioner shall determine for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2017;

(b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2022 was less than the taxable value of such property during tax year 2021.

(2) If the decrease determined under division (B)(1)(a) or (b) of this section exceeds ten per cent, the Tax Commissioner shall certify all of the

following to the Department of Education and the Office of Budget and Management:

- (a) The district's total taxable value for tax year 2022;
- (b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2022;
- (c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;
- (d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following:

- (a) The lesser of the following:
 - (i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019;
 - (ii) The absolute value of the amount certified under division (B)(2)(b) of this section.
- (b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50.

(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2022, and June 30, 2022, and the Department shall make payments under division (B)(3) of this section between June 1, 2023, and June 30, 2023.

SECTION 265.240. LITERACY IMPROVEMENT

Of the foregoing appropriation item 200566, Literacy Improvement, up to \$500,000 in each fiscal year shall be used to expand the Model Demonstration Project for Early Identification of Students with Dyslexia Grant.

Under the expansion, the Superintendent of Public Instruction shall award grants to city, local, and exempted village school districts, community schools, STEM schools, or chartered nonpublic schools to support additional pilot programs to address the literacy needs of students in preschool through

first grade. Funds may be used for up to two years after they are awarded.

School districts or schools wishing to participate shall apply to the Superintendent of Public Instruction. The Superintendent shall select school districts and schools to participate according to criteria determined by the Superintendent. Participating school districts and schools shall receive professional learning and support for teachers and principals to improve their ability to provide instruction for children with dyslexia. Participating school districts and schools shall collaborate with the Department of Education to identify professional learning opportunities aligned to the science of reading. The Department may use up to ten per cent of the amount appropriated in each fiscal year for program administration and for support of districts and schools in identifying and serving students with dyslexia.

As used in this section, "Model Demonstration Project for Early Identification of Students with Dyslexia Grant" means the grant awarded to Ohio by the U.S. Department of Education in October 2019 to improve the literacy of students with, or at risk for, dyslexia.

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A portion of the funds may be used by the Department for program administration, monitoring, technical assistance, support, research, and evaluation.

SECTION 265.250. ADULT EDUCATION PROGRAMS

Of the foregoing appropriation item 200572, Adult Education Programs, up to \$6,900,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code.

A portion of the foregoing appropriation item 200572, Adult Education Programs, shall be used in each fiscal year to make payments to institutions participating in the Adult Diploma Pilot Program under section 3313.902 of the Revised Code and to pay career-technical planning districts for the amounts reimbursed to students, as prescribed in this section. If funds are insufficient to make payments for the Adult Diploma Pilot Program, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may transfer appropriation from appropriation item 200550, Foundation Funding - All Students, to appropriation item 200572, Adult Education Programs, subject to an available balance in

appropriation item 200550 and Controlling Board approval. Any appropriation so transferred shall be used to make payments to institutions participating in the Adult Diploma Pilot Program pursuant to section 3313.902 of the Revised Code.

Each career-technical planning district shall reimburse individuals taking a nationally recognized high school equivalency examination approved by the Department of Education for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Superintendent of Public Instruction.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education.

SECTION 265.260. HALF-MILL MAINTENANCE EQUALIZATION

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the

Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

SECTION 265.275. PROGRAM AND PROJECT SUPPORT

Of the foregoing appropriation item 200597, Program and Project Support, \$1,100,000 in each fiscal year shall be used to support the Supporting Partnerships to Assure Ready Kids (SPARK) program in Ohio.

Of the foregoing appropriation item 200597, Program and Project Support, \$1,000,000 in each fiscal year shall be distributed to Ohio Adolescent Health Centers to support risk avoidance education initiatives.

Of the foregoing appropriation item 200597, Program and Project Support, \$750,000 in each fiscal year shall be used to support the expansion of the CarePortal technology platform in Ohio through partnerships with social workers and K-12 schools to connect vulnerable children and families with churches, organizations, and individuals in their community.

Of the foregoing appropriation item 200597, Program and Project Support, \$375,000 in each fiscal year shall be distributed to the Cleveland Museum of Natural History to support its STEM-based educational programming.

Of the foregoing appropriation item 200597, Program and Project Support, \$300,000 in each fiscal year shall be distributed to the Cincinnati Zoo and Botanical Garden to support the zoo's educational programming and scholarships for economically disadvantaged students.

Of the foregoing appropriation item 200597, Program and Project Support, \$125,000 in each fiscal year shall be distributed to the South-Western City School District to provide additional operating support for the South-Western Career Academy to hire a director and instructors.

Of the foregoing appropriation item 200597, Program and Project Support, \$100,000 in each fiscal year shall be distributed to the Cincinnati Museum Center to support its STEM-based educational programming.

Of the foregoing appropriation item 200597, Program and Project Support, \$50,000 in each fiscal year shall be distributed to the Ohio Valley Youth Network to support its Sycamore Youth Center Education Enrichment and Life Skills After School Program.

SECTION 265.280. MEDICAID IN SCHOOLS PROGRAM

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

SECTION 265.300. TEACHER CERTIFICATION AND LICENSURE

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

SECTION 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2022 and 2023. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that the school district is unable to pay from existing resources. The Director shall notify the members of the Controlling Board of any such transfers.

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2022 and 2023, at the request of the Superintendent of Public Instruction, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school

districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance – Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance – Lottery, shall be made to Fund 7018.

SECTION 265.323. FOUNDATION FUNDING - ALL STUDENTS

(A) The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with appropriation items 200550, Foundation Funding - All Students, and 200612, Foundation Funding - All Students, to distribute the amounts calculated for disadvantaged pupil impact aid under sections 3317.022 and 3317.16 of the Revised Code and the portions of the state share of the base cost calculated under those sections that are attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department of Education.

(B) For each of fiscal years 2022 and 2023, the Department of Education shall notify each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code of the portion of the district's or school's state share of the base cost calculated under section 3317.022 or 3317.16 of the Revised Code that is attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department. Each district or school shall spend that amount for any of the initiatives or a combination of any of the initiatives described in divisions (B)(1)(j) to (q) of section 3317.25 of the Revised Code. After the end of each fiscal year, each district and school shall submit a report to the Department, in a manner prescribed by the Department, describing the initiative or initiatives on which the district's or school's funds were spent during that fiscal year.

(C) If a district or school spends student wellness and success funds it received for fiscal year 2020 or fiscal year 2021 on or after the date on which section 3317.26 of the Revised Code is repealed by this act, those funds shall be spent in accordance with that section as it existed prior to its repeal by this act. The Department may require districts and schools to report how all of those funds are spent.

SECTION 265.325. SCHOOL BUS PURCHASE

The foregoing appropriation item 200663, School Bus Purchase, shall be used to distribute bus purchasing grants to city, local, and exempted village school districts pursuant to section 3317.071 of the Revised Code.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 200663, School Bus Purchase, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

SECTION 265.330. LOTTERY PROFITS EDUCATION FUND

The foregoing appropriation item 200612, Foundation Funding - All Students, shall be used in conjunction with appropriation item 200550, Foundation Funding - All Students, to distribute the amounts calculated for formula aid under section 3317.022 of the Revised Code.

The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding - All Students, and appropriation item 200612, Foundation Funding - All Students. If adjustments to the monthly distribution schedule are necessary, the Department shall make such adjustments with the approval of the Director.

SECTION 265.333. ACCELERATE GREAT SCHOOLS

The foregoing appropriation item 200614, Accelerate Great Schools, shall be used to support the Accelerate Great Schools public-private partnership.

SECTION 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT

(A) The foregoing appropriation item 200631, Quality Community Schools Support, shall be used for the Quality Community School Support Program. Under the program, the Department of Education shall pay each community school established under Chapter 3314. of the Revised Code and designated as a Community School of Quality under this section an amount up to \$1,750 in each fiscal year for each pupil identified as economically disadvantaged and up to \$1,000 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the final adjusted full-time equivalent number of students enrolled in a community school for the prior fiscal year, except

that if a school is in its first year of operation the payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality not later than January 31 of each fiscal year. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

(B) To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(1) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the

Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the Charter School Growth Fund;

(ii) Meets all of the following criteria:

(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.

(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.

(III) The operator is in good standing in all states where it operates schools, as determined by the Department.

(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.

(c) The school is in its first year of operation.

(C) A school designated as a Community School of Quality under division (B) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community School of Quality.

(D) A school designated a Community School of Quality may renew its designation each year that it satisfies the criteria under division (B)(1) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (B)(1) of this section are satisfied. This division applies to schools designated as a Community School of Quality based on the report cards issued in accordance with sections 3302.03 and 3314.012 of the Revised Code for the 2017-2018 and 2018-2019 school years.

SECTION 265.340. COMMUNITY SCHOOL FACILITIES

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$500 in each fiscal year for each full-time equivalent

pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

SECTION 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management shall transfer \$12,500,000 cash in fiscal year 2022 and \$45,000,000 cash in fiscal year 2023 from Fund 7018 to the Lottery Profits Education Fund (Fund 7017). The Director may transfer additional cash from Fund 7018 to Fund 7017 in fiscal year 2022 and fiscal year 2023.

(C) On July 15, 2021, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,260,200,000 in fiscal year 2021.

(D) On July 15, 2022, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,234,000,000 in fiscal year 2022.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2022 and fiscal year 2023, the Director of Budget and Management shall transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

SECTION 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF

(A) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, up to \$7,000,000 in fiscal year 2022 shall be used to support programs focused on attendance recovery for students in grades kindergarten through twelve. The Department of Education shall enter into a contract with one or more entities that specialize in recovering students who, prior to the COVID-19 pandemic, would have been considered truant but have yet to be adjudicated by the courts or recovered by other educational means. The Department of Education shall support this set-aside using the state activity funds provided under Title III, Sec. 313(e) of the federal

"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(B) Of the foregoing appropriation item 200640, Federal Coronavirus School Relief, \$250,000 in each fiscal year shall be used to support the Career Promise Academy Summer Demonstration Pilot Program established under section 3302.043 of the Revised Code. The Department of Education shall support this set-aside using the state activity funds provided under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

(C) The remainder of the foregoing appropriation item 200640, Federal Coronavirus School Relief, shall be used by the Department of Education to support ACE education savings accounts pursuant to section 3310.70 of the Revised Code using the funds for emergency needs authorized under Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260.

An amount equal to the unexpended, unencumbered balance of the amount allocated in this division, at the end of fiscal year 2022 is hereby reappropriated to the Department for the same purpose in fiscal year 2023.

SECTION 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate.

SECTION 265.400. EARMARK ACCOUNTABILITY

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the committees of the House of Representatives and the Senate primarily concerned with education and education funding and to the Department a report that includes a description of the services supported by the funds, a description of the results achieved by those services, an analysis of the effectiveness of the program, and an opinion as to the program's applicability to other school districts. For an earmarked entity that received state funds from an earmark in the prior fiscal year, no funds shall be provided by the Department to an earmarked entity for a fiscal year until its report for the prior fiscal year has been submitted.

SECTION 265.410. COMMUNITY SCHOOL OPERATING FROM HOME

A community school established under Chapter 3314. of the Revised Code that was open for operation as a community school as of May 1, 2005, may operate from or in any home, as defined in section 3313.64 of the Revised Code, located in the state, regardless of when the community school's operations from or in a particular home began.

SECTION 265.420. USE OF VOLUNTEERS

The Department of Education may utilize the services of volunteers to accomplish any of the purposes of the Department. The Superintendent of Public Instruction shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Superintendent may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

SECTION 265.430. RESTRICTION OF LIABILITY FOR CERTAIN REIMBURSEMENTS

(A) Except as expressly required under a court judgment not subject to further appeals, or a settlement agreement with a school district executed on or before June 1, 2009, in the case of a school district for which the formula ADM for fiscal year 2005, as reported for that fiscal year under division (A) of section 3317.03 of the Revised Code, was reduced based on enrollment reports for community schools, made under section 3314.08 of the Revised Code, regarding students entitled to attend school in the district, which reduction of formula ADM resulted in a reduction of foundation funding or transitional aid funding for fiscal year 2005, 2006, or 2007, no school district, except a district named in the court's judgment or the settlement agreement, shall have a legal claim for reimbursement of the amount of such reduction in foundation funding or transitional aid funding, and the state shall not have liability for reimbursement of the amount of such reduction in foundation funding or transitional aid funding.

(B) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code.

(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of H.B. 119 of the 127th General Assembly.

SECTION 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

SECTION 265.450. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2022 or fiscal year 2023 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2022 and fiscal year 2023 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised Code, shall pay tuition for the child for fiscal year 2022 and fiscal year 2023 under this division unless that school district is providing the educational program to the child under division (B) of this section.

A tuition payment under this division shall be made to the school

district, educational service center, or residential treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education pursuant to an individualized education program as defined in section 3323.01 of the Revised Code, a payment for excess costs. This payment shall equal the actual cost to the school district, educational service center, or residential treatment facility of providing special education and related services to the student pursuant to the student's individualized education program, minus the tuition paid for the child under division (C)(1) of this section.

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code.

(D) In each of fiscal years 2022 and 2023, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made.

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible.

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

SECTION 265.490. Upon receipt of federal funds under Title IV, Part A, Student Support and Academic Enrichment Grants, and after payments are made pursuant to education programs included in this block grant program, the Department shall direct any unused funds to cover all or part of the cost of Advanced Placement tests and International Baccalaureate registration and exam fees for low-income students.

SECTION 265.520. (A) Notwithstanding anything in the Revised Code to the contrary, the Superintendent of Public Instruction shall not establish any new academic distress commissions for the 2021-2022 and 2022-2023 school years.

(B) This section does not affect an academic distress commission established prior to the effective date of this section.

SECTION 265.530. Not later than January 1, 2023, the Department of Education, in consultation with the Department of Higher Education, shall conduct a study on the results and cost-effectiveness of the College Credit Plus Program, established under Chapter 3365. of the Revised Code, and submit a report of its findings to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of the Legislative Service Commission. The study shall include the cost-effectiveness for secondary schools and participants under the program, as well as whether participants in the program save money on college tuition and reduce the amount of time to degree completion.

SECTION 267.10. ELC OHIO ELECTIONS COMMISSION

General Revenue Fund

GRF 051321	Operating Expenses	\$	394,765	\$	394,765
TOTAL GRF General Revenue Fund		\$	394,765	\$	394,765

Dedicated Purpose Fund Group

4P20 051601	Operating Support	\$	207,460	\$	207,460
TOTAL DPF Dedicated Purpose Fund Group		\$	207,460	\$	207,460
TOTAL ALL BUDGET FUND GROUPS		\$	602,225	\$	602,225

SECTION 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS

General Revenue Fund

GRF 881500	Indigent Burial and Cremation Support	\$	1,000,000	\$	1,000,000
TOTAL GRF General Revenue Fund		\$	1,000,000	\$	1,000,000

Dedicated Purpose Fund Group

4K90 881609	Operating Expenses	\$	1,130,516	\$	1,171,398
TOTAL DPF Dedicated Purpose Fund Group		\$	1,130,516	\$	1,171,398
TOTAL ALL BUDGET FUND GROUPS		\$	2,130,516	\$	2,171,398

SECTION 271.10. PAY EMPLOYEE BENEFITS FUND

Fiduciary Fund Group

1240	995673	Payroll Deductions	\$	849,020,267	\$	874,490,874
8060	995666	Accrued Leave Fund	\$	90,830,634	\$	93,990,898
8070	995667	Disability Fund	\$	25,839,844	\$	26,225,104
8080	995668	State Employee Health Benefit Fund	\$	989,360,954	\$	1,023,563,551
8090	995669	Dependent Care Spending Account	\$	4,477,000	\$	4,477,000
8100	995670	Life Insurance Investment Fund	\$	2,050,085	\$	2,118,913
8110	995671	Parental Leave Benefit Fund	\$	4,432,933	\$	4,565,921
8130	995672	Health Care Spending Account	\$	14,397,032	\$	14,798,897
TOTAL FID Fiduciary Fund Group			\$	1,980,408,749	\$	2,044,231,158
TOTAL ALL BUDGET FUND GROUPS			\$	1,980,408,749	\$	2,044,231,158

SECTION 271.20. PAYROLL DEDUCTION FUND

The foregoing appropriation item 995673, Payroll Deductions, shall be used to make payments from the Payroll Deduction Fund (Fund 1240) pursuant to section 125.21 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

ACCRUED LEAVE LIABILITY FUND

The foregoing appropriation item 995666, Accrued Leave Fund, shall be used to make payments from the Accrued Leave Liability Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND

The foregoing appropriation item 995667, Disability Fund, shall be used to make payments from the State Employee Disability Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

STATE EMPLOYEE HEALTH BENEFIT FUND

The foregoing appropriation item 995668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 8080) pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

DEPENDENT CARE SPENDING FUND

The foregoing appropriation item 995669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care

Spending Fund (Fund 8090) to employees eligible for dependent care expenses pursuant to section 124.822 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

LIFE INSURANCE INVESTMENT FUND

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

SECTION 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund

GRF 125321	Operating Expenses	\$	4,111,118	\$	4,216,551
TOTAL GRF General Revenue Fund		\$	4,111,118	\$	4,216,551

Dedicated Purpose Fund Group

5720 125603	Training and Publications	\$	172,160	\$	242,173
TOTAL DPF Dedicated Purpose Fund Group		\$	172,160	\$	242,173
TOTAL ALL BUDGET FUND GROUPS		\$	4,283,278	\$	4,458,724

SECTION 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS

Dedicated Purpose Fund Group

4K90 892609	Operating Expenses	\$	1,312,259	\$	1,312,259
TOTAL DPF Dedicated Purpose Fund Group		\$	1,312,259	\$	1,312,259

TOTAL ALL BUDGET FUND GROUPS	\$	1,312,259	\$	1,312,259
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SECTION 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY

General Revenue Fund

GRF 715404	Recycling Projects	\$	60,000	\$	10,000
GRF 715502	Auto Emissions E-Check Program	\$	9,125,482	\$	9,125,482
TOTAL GRF General Revenue Fund		\$	9,185,482	\$	9,135,482

Dedicated Purpose Fund Group

4D50 715618	Recycled State Materials	\$	50,000	\$	50,000
4J00 715638	Underground Injection Control	\$	456,891	\$	464,794
4K20 715648	Clean Air - Non Title V	\$	5,317,000	\$	5,317,000
4K30 715649	Solid Waste	\$	15,604,074	\$	16,603,928
4K40 715650	Surface Water Protection	\$	11,375,000	\$	11,565,000
4K50 715651	Drinking Water Protection	\$	7,751,598	\$	8,429,640
4P50 715654	Cozart Landfill	\$	10,000	\$	10,000
4R50 715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259
4R90 715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245
4T30 715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000
5000 715608	Immediate Removal Special Account	\$	722,000	\$	722,000
5030 715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120
5050 715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788
5050 715698	Response and Investigations	\$	3,380,000	\$	3,450,000
5320 715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000
5410 715670	Site Specific Cleanup	\$	771,192	\$	771,192
5420 715671	Risk Management Reporting	\$	210,000	\$	210,000
5860 715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000
5BC0 715622	Local Air Pollution Control	\$	2,100,000	\$	2,100,000
5BC0 715624	Surface Water	\$	6,606,600	\$	6,606,600
5BC0 715672	Air Pollution Control	\$	8,647,800	\$	8,647,800
5BC0 715673	Drinking and Ground Water	\$	3,769,815	\$	3,769,815
5BC0 715676	Assistance and Prevention	\$	1,968,750	\$	1,968,750
5BC0 715677	Laboratory	\$	3,495,450	\$	3,495,450
5BC0 715678	Corrective Actions	\$	1,176,000	\$	1,176,000
5BC0 715687	Areawide Planning Agencies	\$	450,000	\$	450,000
5BC0 715692	Administration	\$	16,213,250	\$	15,923,250
5BC0 715694	Environmental Resource Coordination	\$	788,000	\$	793,000
5BT0 715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000
5BY0 715681	Auto Emissions Test	\$	2,670,826	\$	2,694,826
5H40 715664	Groundwater Support	\$	332,000	\$	332,000
5PZ0 715696	Drinking Water Loan Fee	\$	2,081,245	\$	2,088,650
5VA0 715601	Marsh Restoration	\$	750,000	\$	750,000
5Y30 715685	Surface Water Improvement	\$	500,000	\$	500,000
6440 715631	Emergency Response Radiological Safety	\$	325,370	\$	332,287

6760	715642	Water Pollution Control Loan Administration	\$	5,055,000	\$	5,455,000
6760	715699	Water Quality Administration	\$	4,100,000	\$	4,223,000
6780	715635	Air Toxic Release	\$	20,000	\$	0
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000
6960	715643	Air Pollution Control Administration	\$	1,002,000	\$	1,002,000
6990	715644	Water Pollution Control Administration	\$	300,000	\$	300,000
6A10	715645	Environmental Education	\$	300,000	\$	300,000
6H20	715695	H2Ohio	\$	10,000,000	\$	10,000,000
TOTAL DPF Dedicated Purpose Fund Group			\$	157,058,341	\$	160,275,394
Internal Service Activity Fund Group						
1990	715602	Laboratory Services	\$	533,000	\$	533,000
2190	715604	Central Support Indirect	\$	8,075,000	\$	8,675,000
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000
TOTAL ISA Internal Service Activity Fund Group			\$	10,026,000	\$	10,651,000
Federal Fund Group						
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000
3570	715619	Air Pollution Control - Federal	\$	6,115,000	\$	6,115,000
3620	715605	Underground Injection Control - Federal	\$	133,000	\$	133,000
3BU0	715684	Water Quality Protection	\$	15,570,000	\$	15,625,000
3CS0	715688	Federal NRD Settlements	\$	201,000	\$	201,000
3F30	715632	Federally Supported Cleanup and Response	\$	8,137,195	\$	8,218,775
3HE0	715697	Volkswagen Clean Air Act Settlement	\$	10,766,500	\$	5,876,500
3T30	715669	Drinking Water State Revolving Fund	\$	3,141,500	\$	3,148,130
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000
TOTAL FED Federal Fund Group			\$	46,914,195	\$	42,167,405
TOTAL ALL BUDGET FUND GROUPS			\$	223,184,018	\$	222,229,281

SECTION 277.20. RECYCLING PROJECTS

The foregoing appropriation item 715404, Recycling Projects, shall be distributed to the Gauga-Trumbull Solid Waste Management District for recycling expanded polystyrene.

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP TIRE MANAGEMENT FUND

The Director of Budget and Management, at the request of the Director of Environmental Protection, and upon approval by the Controlling Board, may transfer up to \$2,700,000 cash in each fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test Fund (Fund 5BY0).

AREAWIDE PLANNING AGENCIES

The Director of Environmental Protection may award grants from appropriation item 715687, Areawide Planning Agencies, to areawide planning agencies engaged in areawide water quality management and planning activities in accordance with Section 208 of the "Federal Clean Water Act," 33 U.S.C. 1288.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Environmental Protection may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 715695, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

General Revenue Fund

GRF 172321	Operating Expenses	\$	651,000	\$	651,000
TOTAL GRF General Revenue Fund		\$	651,000	\$	651,000
TOTAL ALL BUDGET FUND GROUPS		\$	651,000	\$	651,000

SECTION 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION

General Revenue Fund

GRF 935401	Statehouse News Bureau	\$	382,893	\$	382,893
GRF 935402	Ohio Government Telecommunications Services	\$	1,919,526	\$	1,919,526
GRF 935410	Content Development, Acquisition, and Distribution	\$	3,909,231	\$	3,909,231
GRF 935430	Broadcast Education Operating	\$	3,812,325	\$	3,840,067
TOTAL GRF General Revenue Fund		\$	10,023,975	\$	10,051,717

Dedicated Purpose Fund Group

5FK0 935608	Media Services	\$	61,500	\$	61,500
5VB0 935650	Facility Rental	\$	22,400	\$	23,600
TOTAL DPF Dedicated Purpose Fund		\$	83,900	\$	85,100

Internal Service Activity Fund Group

4F30 935603	Affiliate Services	\$	4,000	\$	4,400
TOTAL ISA Internal Service Activity Fund		\$	4,000	\$	4,400
TOTAL ALL BUDGET FUND GROUPS		\$	10,111,875	\$	10,141,217

SECTION 281.20. STATEHOUSE NEWS BUREAU

The foregoing appropriation item 935401, Statehouse News Bureau,

shall be used solely to support the operations of the Ohio Statehouse News Bureau.

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions.

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$964,496 in each fiscal year shall be allocated equally among the Ohio educational television stations. Funds shall be used for the production of interactive instructional programming series with priority given to resources aligned with state academic content standards. The programming shall be targeted to the needs of the one-third lowest capacity school districts as determined by the district's state share index calculated by the Department of Education.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$2,650,261 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified public educational television stations and educational radio stations to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in consultation with Ohio's qualified public educational television stations and educational radio stations.

Of the foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, up to \$294,474 in each fiscal year shall be distributed by the Broadcast Educational Media Commission to Ohio's qualified radio reading services to support their operations. The funds shall be distributed pursuant to an allocation formula used by the Ohio Educational Telecommunications Network Commission unless a substitute formula is developed by the Broadcast Educational Media Commission in

consultation with Ohio's qualified radio reading services.

SECTION 283.10. ETH OHIO ETHICS COMMISSION

General Revenue Fund

GRF 146321	Operating Expenses	\$	2,120,515	\$	2,120,515
TOTAL GRF General Revenue Fund		\$	2,120,515	\$	2,120,515

Dedicated Purpose Fund Group

4M60 146601	Operating Support	\$	585,539	\$	645,443
TOTAL DPF Dedicated Purpose Fund Group		\$	585,539	\$	645,443
TOTAL ALL BUDGET FUND GROUPS		\$	2,706,054	\$	2,765,958

SECTION 285.10. EXP OHIO EXPOSITIONS COMMISSION

General Revenue Fund

GRF 723403	Junior Fair Subsidy	\$	261,900	\$	363,750
TOTAL GRF General Revenue Fund		\$	261,900	\$	363,750

Dedicated Purpose Fund Group

4N20 723602	Ohio State Fair Harness Racing	\$	325,000	\$	325,000
5060 723601	Operating Expenses	\$	15,179,189	\$	15,953,148
5060 723604	Grounds Maintenance and Repairs	\$	300,000	\$	300,000
TOTAL DPF Dedicated Purpose Fund Group		\$	15,804,189	\$	16,578,148
TOTAL ALL BUDGET FUND GROUPS		\$	16,066,089	\$	16,941,898

STATE FAIR RESERVE

The General Manager of the Expositions Commission, in consultation with the Director of Budget and Management, may submit a request to the Controlling Board to use available amounts in the State Fair Reserve Fund (Fund 6400) if revenues from either the 2021 or the 2022 Ohio State Fair are unexpectedly low.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management, in consultation with the General Manager of the Expositions Commission, may determine that the Ohio Expositions Fund (Fund 5060) has a cash balance in excess of the anticipated operating costs of the Exposition Commission in that fiscal year. Notwithstanding section 991.04 of the Revised Code, the Director of Budget and Management may transfer an amount up to the excess cash from Fund 5060 to Fund 6400 in each fiscal year.

SECTION 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION

General Revenue Fund

GRF 230321	Operating Expenses	\$	6,449,865	\$	6,769,488
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GRF	230401	Cultural Facilities Lease Rental Bond Payments	\$	22,000,000	\$	28,000,000
GRF	230458	State Construction Management Services	\$	1,924,111	\$	1,962,955
GRF	230908	Common Schools General Obligation Bond Debt Service	\$	427,000,000	\$	390,000,000
TOTAL GRF General Revenue Fund			\$	457,373,976	\$	426,732,443
Internal Service Activity Fund Group						
1310	230639	State Construction Management Services	\$	8,257,500	\$	8,546,513
TOTAL ISA Internal Service Activity Fund			\$	8,257,500	\$	8,546,513
TOTAL ALL BUDGET FUND GROUPS			\$	465,631,476	\$	435,278,956

SECTION 287.20. CULTURAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 230401, Cultural Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Ohio Facilities Construction Commission pursuant to leases and agreements for cultural and sports facilities made under section 154.23 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 230908, Common Schools General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.03 of the Revised Code.

SECTION 287.30. COMMUNITY PROJECT ADMINISTRATION

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code and to provide tools and services to state agency, university, and K-12 public school projects, including oversight of the Ohio Administrative Knowledge System Capital Improvements Module (OAKS-CI).

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may

cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

SECTION 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

SECTION 287.50. AMENDMENT TO PROJECT AGREEMENT FOR MAINTENANCE LEVY

The Ohio Facilities Construction Commission shall amend the project agreement between the Commission and a school district that is participating in the Accelerated Urban School Building Assistance Program as of September 29, 2018, if the Commission determines that it is necessary to do so in order to comply with division (B)(3)(c) of section 3318.38 of the Revised Code.

SECTION 287.60. Notwithstanding any other provision of law to the contrary, the Ohio Facilities Construction Commission may determine the amount of funding available for disbursement in a given fiscal year for any project approved under sections 3318.01 to 3318.20 of the Revised Code in order to keep aggregate state capital spending within approved limits and may take actions including, but not limited to, determining the schedule for

design or bidding of approved projects, to ensure appropriate and supportable cash flow.

SECTION 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL DISTRICT

Notwithstanding division (B) of section 3318.40 of the Revised Code, in each fiscal year in which funds are available for additional projects, the Ohio Facilities Construction Commission shall provide assistance to at least one joint vocational school district for the acquisition or improvement of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

SECTION 287.80. RETURNED OR RECOVERED FUNDS

Notwithstanding any provision of law to the contrary, any moneys a school district transfers to the Ohio Facilities Construction Commission under division (C)(2) or (3) of section 3318.12 of the Revised Code as well as any moneys recovered from settlements with or judgments against parties relating to their involvement in a classroom facilities project shall be deposited into the fund from which the capital appropriation for the project was made. In any fiscal year in which the Commission has made a deposit under this section, the Executive Director of the Ohio Facilities Construction Commission may seek Controlling Board approval to increase appropriations from those funds and specified appropriation items in an amount equal to the amount of the funds deposited under this section. The additional amounts, if approved, shall be used in accordance with the purposes of Chapter 3318. of the Revised Code for projects pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon approval of the Controlling Board, the additional amounts are hereby appropriated.

SECTION 289.10. GOV OFFICE OF THE GOVERNOR

General Revenue Fund

GRF 040321	Operating Expenses	\$	2,973,034	\$	2,973,034
TOTAL GRF General Revenue Fund		\$	2,973,034	\$	2,973,034

Internal Service Activity Fund Group

5AK0 040607	Government Relations	\$	619,988	\$	619,988
TOTAL ISA Internal Service Activity Fund Group		\$	619,988	\$	619,988

TOTAL ALL BUDGET FUND GROUPS \$ 3,593,022 \$ 3,593,022

GOVERNMENT RELATIONS

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

SECTION 291.10. DOH DEPARTMENT OF HEALTH

General Revenue Fund

GRF440413	Local Health Departments	\$	2,379,808	\$	2,379,808
GRF440416	Mothers and Children Safety Net Services	\$	4,338,612	\$	4,338,612
GRF440431	Free Clinic Safety Net Services	\$	1,500,000	\$	1,500,000
GRF440438	Breast and Cervical Cancer Screening	\$	1,121,131	\$	1,121,131
GRF440444	AIDS Prevention	\$	3,493,468	\$	3,493,468
GRF440451	Public Health Laboratory	\$	3,672,005	\$	3,672,005
GRF440452	Child and Family Health Services Match	\$	589,482	\$	589,482
GRF440453	Health Care Quality Assurance	\$	6,084,936	\$	6,084,936
GRF440454	Environmental Health/Radiation Protection	\$	2,779,841	\$	2,779,841
GRF440459	Help Me Grow	\$	41,242,281	\$	41,242,281
GRF440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688
GRF440472	Alcohol Testing	\$	1,210,805	\$	1,210,805
GRF440474	Infant Vitality	\$	17,637,292	\$	17,637,292
GRF440477	Emergency Preparedness and Response	\$	1,431,954	\$	1,431,954
GRF440481	Lupus Awareness	\$	210,000	\$	210,000
GRF440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	11,148,480	\$	11,148,480
GRF440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054
GRF440484	Public Health Technology Innovation	\$	1,313,760	\$	1,313,760
GRF440485	Health Program Support	\$	125,000	\$	125,000
GRF440505	Medically Handicapped Children	\$	11,762,451	\$	11,762,451
GRF440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000
GRF440527	Lead Abatement	\$	6,500,000	\$	6,500,000
GRF440529	Harm Reduction	\$	50,000	\$	50,000
GRF440530	Lead-Safe Home Fund Pilot Program	\$	1,000,000	\$	1,000,000

GRF440672	Youth Homelessness	\$	3,400,000	\$	3,400,000
GRF654453	Medicaid - Health Care Quality Assurance	\$	4,246,250	\$	4,246,250
TOTAL GRF General Revenue Fund		\$	136,446,298	\$	127,696,298
Highway Safety Fund Group					
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000
TOTAL HSF Highway Safety Fund Group		\$	200,000	\$	200,000
Dedicated Purpose Fund Group					
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120
4710 440619	Certificate of Need	\$	878,433	\$	878,433
4730 440622	Lab Operating Expenses	\$	8,900,000	\$	8,900,000
4770 440627	Medically Handicapped Children Audit	\$	5,000,000	\$	5,000,000
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000
4G00 440637	Birth Certificate Surcharge	\$	15,000	\$	15,000
4L30 440609	HIV Care and Miscellaneous Expenses	\$	38,704,139	\$	38,719,096
4P40 440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000
4V60 440641	Save Our Sight	\$	2,500,000	\$	2,500,000
5B50 440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194
5BX0 440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	14,500,000	\$	14,500,000
5CN0 440645	Choose Life	\$	80,000	\$	80,000
5CV1 440674	Coronavirus Relief - DOH	\$	4,200,000	\$	0
5D60 440620	Second Chance Trust	\$	1,000,000	\$	1,000,000
5ED0 440651	Smoke Free Indoor Air	\$	280,000	\$	280,000
5G40 440639	Adoption Services	\$	100,000	\$	100,000
5PE0 440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000
5QJ0 440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000
5SH0 440520	Children's Wish Grant Program	\$	275,000	\$	275,000
5TZ0 440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000
5Z70 440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000
6100 440626	Radiation Emergency Response	\$	1,300,000	\$	1,300,000
6660 440607	Medically Handicapped Children - County Assessments	\$	24,000,000	\$	24,000,000
6980 440634	Nurse Aide Training	\$	125,000	\$	125,000
TOTAL DPF Dedicated Purpose Fund Group		\$	138,705,749	\$	134,520,706
Internal Service Activity Fund Group					
1420 440646	Agency Health Services	\$	5,000,000	\$	5,000,000
2110 440613	Central Support Indirect Costs	\$	29,750,000	\$	29,750,000
TOTAL ISA Internal Service Activity Fund Group		\$	34,750,000	\$	34,750,000

Holding Account Fund Group

R014	440631	Vital Statistics	\$	44,986	\$	44,986
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000
TOTAL HLD Holding Account Fund Group			\$	64,986	\$	64,986
Federal Fund Group						
3200	440601	Maternal Child Health Block Grant	\$	25,000,000	\$	25,000,000
3870	440602	Preventive Health Block Grant	\$	9,750,000	\$	9,750,000
3890	440604	Women, Infants, and Children	\$	220,000,000	\$	220,000,000
3910	440606	Medicare Survey and Certification	\$	19,300,000	\$	19,300,000
3920	440618	Federal Public Health Programs	\$	105,000,000	\$	105,000,000
3GD0	654601	Medicaid Program Support	\$	36,040,949	\$	36,040,949
3GN0	440660	Public Health Emergency Preparedness	\$	26,500,000	\$	26,500,000
3HP0	440673	Public Health Emergency Response	\$	350,000,000	\$	150,000,000
3HV0	440679	COVID-19 Vaccines Distribution and Administration	\$	50,000,000	\$	0
TOTAL FED Federal Fund Group			\$	841,590,949	\$	591,590,949
TOTAL ALL BUDGET FUND GROUPS			\$	1,151,757,982	\$	888,822,939

SECTION 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, \$50,000 in each fiscal year shall be distributed to the Trumbull County chapter of Sleep in Heavenly Peace, Inc.

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to \$200,000 in each fiscal year may be used to assist families with hearing-impaired children under twenty-one years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code, and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

FREE CLINIC SAFETY NET SERVICES

The foregoing appropriation item 440431, Free Clinic Safety Net

Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

BREAST AND CERVICAL CANCER SCREENING

Of the foregoing appropriation item 440438, Breast and Cervical Cancer Screening, \$100,000 in each fiscal year shall be used in accordance with section 3701.145 of the Revised Code to ensure treatment for breast or cervical cancer for eligible women.

On July 1, 2022, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark at the end of fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023 to be used for the same purpose.

AIDS PREVENTION

The foregoing appropriation item 440444, AIDS Prevention, shall be used to administer educational and other prevention initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers.

INFANT VITALITY

Of the foregoing appropriation item, 440474, Infant Vitality, up to \$5,000,000 in fiscal year 2022 shall be used, in consultation with the Governor's Office of Children's Initiatives, to support programming by community and local faith-based service providers that invests in maternal health programs, provides services and support to pregnant mothers, and improves both maternal and infant health outcomes.

Of the foregoing appropriation item 440474, Infant Vitality, up to \$500,000 in fiscal year 2022 shall be used, in consultation with the Department of Medicaid, to develop a universal needs assessment to identify and provide needed health and wraparound supports for vulnerable women.

The remainder of appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant

mortality. This approach may include the following: increasing awareness, including awareness regarding respiratory syncytial virus; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation, breastfeeding, care coordination, and progesterone.

EMERGENCY PREPAREDNESS AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparedness and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$3,000,000 in fiscal year 2022 shall be used, in consultation with the Department of Mental Health and Addiction Services and the Governor's RecoveryOhio Initiative, to support the continuation of the Emergency Department Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in emergency departments with addiction.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 2022 shall be used, in consultation with the Governor's RecoveryOhio Initiative, to support local health providers' harm reduction efforts to reduce overdose rates and deaths.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 shall be distributed to the Dental Center of Northwest Ohio to be used for clinical equipment at its practice in Toledo.

INFECTIOUS DISEASE PREVENTION AND CONTROL

On July 1, 2022, or as soon as possible thereafter, the Director of Health

may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 440483, Infectious Disease Prevention and Control, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

TARGETED HEALTH CARE SERVICES-OVER 21

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall be used to administer the Cystic Fibrosis Program and to implement the Hemophilia Insurance Premium Payment Program. The Department of Health shall expend \$100,000 in each fiscal year to implement the Hemophilia Insurance Premium Payment Program.

The foregoing appropriation item 440507, Targeted Health Care Services-Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMh) participants for the Cystic Fibrosis Program.

The Department shall expend all of the funds appropriated in appropriation item 440507, Targeted Health Care Services-Over 21.

LEAD ABATEMENT

Of the foregoing appropriation item 440527, Lead Abatement, \$500,000 in each fiscal year shall be used by the Department of Health to distribute funds to the city of Toledo for lead-based paint abatement, containment, and housing rehabilitation projects in the historic south neighborhoods of Toledo. The Department shall require local match funding of up to one-half of the annual grant funds distributed and may include project and reporting requirements before distributing funds.

HARM REDUCTION

The foregoing appropriation item 440529, Harm Reduction, shall be used to distribute funding to local health departments or a partner agency to operate harm reduction programs, including syringe services. Local health departments eligible for funding shall be accredited or in the process of becoming accredited through the Public Health Accreditation Board.

LEAD-SAFE HOME FUND PILOT PROGRAM

The foregoing appropriation item 440530, Lead-Safe Home Fund Pilot Program, shall be used by the Department of Health to make distributions on a quarterly basis to the Lead Safe Cleveland Coalition for the Lead-Safe Home Fund Pilot Program. Before any funds are distributed, the Coalition shall provide the Department with documentation showing the amount of private sector dollars the Coalition has collected. The amount of each distribution provided by the Department shall not exceed the amount

documented. Total disbursements shall not exceed \$1,000,000 in each fiscal year.

YOUTH HOMELESSNESS

Of the foregoing appropriation item 440672, Youth Homelessness, \$900,000 in each fiscal year shall be distributed to the Star House for its Drop-In Center and its Carol Stewart Village to provide services for homeless youth.

The remainder of appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing.

FEE SUPPORTED PROGRAMS

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation.

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis.

MEDICALLY HANDICAPPED CHILDREN AUDIT

The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program.

GENETICS SERVICES

The foregoing appropriation item 440608, Genetics Services, shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, \$750,000 in each fiscal year shall be used to award grants in accordance with the section of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."

Of the foregoing appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, \$250,000 in each fiscal year shall be distributed to boards of health for the Baby and Me Tobacco Free Program. The Director of Health shall determine how the funds are to be distributed, but shall prioritize awards to boards that serve women who reside in communities that have the highest infant mortality rates in this state, as identified under section 3701.142 of the Revised Code.

The remainder of appropriation item 440656, Tobacco Use Prevention, Cessation, and Enforcement, shall be used to administer tobacco use prevention and cessation activities and programs, to administer compliance checks, retailer education, and programs related to legal age restrictions, and to enforce the Ohio Smoke-Free Workplace Act.

TOXICOLOGY SCREENINGS

The foregoing appropriation item 440621, Toxicology Screenings, shall be used to reimburse county coroners in counties in which the coroner has performed toxicology screenings on victims of a drug overdose. The Director of Health shall transfer the funds to the counties in proportion to the numbers of toxicology screenings performed per county.

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS

The foregoing appropriation item 440607, Medically Handicapped Children - County Assessments, shall be used to make payments under division (E) of section 3701.023 of the Revised Code.

HEALTH DISTRICT STUDIES AND POPULATION HEALTH

The Department of Health shall use up to \$6,000,000 in fiscal year 2022, from existing non-General Revenue Fund appropriations, consistent with federal law and guidelines, to conduct the studies required under section 3709.012 of the Revised Code. Any remaining funds for this purpose may be used to support local health departments' efforts to improve population health, based upon the findings and recommendations in Ohio's 2020-2022 State Health Improvement Plan, and to incentivize efficiencies among local health departments, including the use of shared services or the consolidation of local health departments that formally merge on or after July 1, 2021. Funding for mergers shall be distributed only after a formal

merger agreement is signed by two or more local health departments and shared with the Department of Health. The funding shall be used to cover the costs related to the merger and to build capacity for the newly combined local health department in order to improve services to the public and the health of all residents. A portion of this funding may also be used to support pre-merger analysis and planning for departments not impacted by section 3709.012 of the Revised Code that are interested in a merger. The Director of Health shall seek Controlling Board approval before any funds can be expended for these purposes.

SECTION 291.30. MOMS QUIT FOR TWO GRANT PROGRAM

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or live with children. Funds awarded under this section shall not be used to provide tobacco cessation interventions to women who are eligible for Medicaid. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

SECTION 291.40. WIC VENDOR CONTRACTS

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2022 and fiscal year 2023, the Department of Health shall process and review a WIC vendor contract application pursuant

to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all required documents and information;

(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;

(3) Completes the required in-person training within forty-five days of submitting the complete application.

(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.

SECTION 291.60. (A) As used in this section, "adult education institution" means a private, nonprofit provider of career education and training for adults that is licensed, accredited, or credentialed, or otherwise recognized in a manner approved by the Department of Health.

(B) In fiscal years 2022 and 2023, the Department of Health shall establish and operate a Frontline Health Care Worker Education, Training, and Certification Pilot Program to reimburse adult education institutions for the cost of education and wraparound services provided to students as specified in divisions (C) and (D) of this section. In order to be eligible for reimbursement under the pilot program, an adult education institution must not receive other higher education funding from the state.

(C) Both of the following are eligible for reimbursement under the pilot program, if provided to a student who meets the criteria specified in division (D) of this section:

(1) Education-related expenses, including tuition, course fees, laboratory fees, enrollment application fees, books, and supplies;

(2) Costs associated with the provision of, or referral for, the following wraparound services:

(a) Smoking cessation;

(b) Drug and alcohol counseling;

(c) College and career access advising;

(d) Financial aid counseling and scholarship retention services;

(e) Workability and employability skills training involving such skills as communication, teamwork, critical thinking, ethics, computer skills, and life skills;

- (f) Employment placement and retention services;
- (g) Financial literacy programming;
- (h) Any other similar or related service approved by the Department of Health.

(D) For an education-related expense or a wraparound service to be eligible for reimbursement under the pilot program, the expense must be for, or the service must be provided to, a student who meets all of the following:

(1) The student is eighteen years old or older.

(2) The student is actively enrolled at an adult education institution in a program to prepare the student for employment in any of the following professions:

(a) Health care virtual assistant;

(b) Medical assistant;

(c) Medical coder;

(d) Nurse aide;

(e) Patient care assistant;

(f) Phlebotomist.

(3) The student's primary residence meets all of the following:

(a) Is in a county that has a population of five hundred thousand or more according to the 2010 federal decennial census;

(b) Is in a county that has experienced more than fifteen thousand confirmed cases of COVID-19 during the period of March 1, 2020, through December 31, 2020;

(c) Is a severely distressed area, distressed area, or underserved area as defined by the United States Department of Housing and Urban Development.

(E) The Department may adopt rules in accordance with Chapter 119. of the Revised Code to implement the pilot program.

(F) The foregoing appropriation item 440485, Health Program Support, shall be used to provide reimbursements under the Frontline Healthcare Worker Education, Training, and Certification Pilot Program.

SECTION 291.70. By January 15, 2022, the Director of Health shall submit a report regarding the Help Me Grow Program to the chairperson and ranking minority member of the standing health committee and finance committee of each house of the General Assembly. The report shall include the following:

(A) The number of families being served by the program containing individuals who meet the Medicaid eligibility requirements;

(B) The number of families being served by the program who meet the

TANF eligibility requirements;

(C) Recommendations for incorporating a Medicaid component funded in part with state matching funds;

(D) Recommendations for using TANF dollars to provide services for TANF eligible families in the program.

SECTION 291.80. Each ambulatory surgical facility that has been granted a variance from the written transfer agreement requirement of section 3702.303 of the Revised Code shall, within ninety days of the effective date of section 3702.304 of the Revised Code as amended by this act, submit to the director of health a complete variance application, in the form and manner specified by the director, demonstrating compliance with the requirements established by divisions (B)(2) and (3)(a) of section 3702.304 of the Revised Code, as amended by this act. If the director determines that a facility has failed to demonstrate compliance, the director shall rescind the variance.

SECTION 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION

Dedicated Purpose Fund Group

4610 372601	Operating Expenses	\$	12,500	\$	12,500
TOTAL DPF Dedicated Purpose Fund Group		\$	12,500	\$	12,500
TOTAL ALL BUDGET FUND GROUPS		\$	12,500	\$	12,500

SECTION 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS

General Revenue Fund

GRF 148321	Operating Expenses	\$	464,047	\$	464,047
TOTAL GRF General Revenue Fund		\$	464,047	\$	464,047

Dedicated Purpose Fund Group

6010 148602	Special Initiatives	\$	24,558	\$	24,558
TOTAL DPF Dedicated Purpose Fund Group		\$	24,558	\$	24,558
TOTAL ALL BUDGET FUND GROUPS		\$	488,605	\$	488,605

SECTION 297.10. OHS OHIO HISTORY CONNECTION

General Revenue Fund

GRF 360400	Holocaust and Genocide Memorial and Education Commission	\$	200,000	\$	200,000
GRF 360501	Education and Collections	\$	5,016,092	\$	5,016,092
GRF 360502	Site and Museum Operations	\$	7,232,753	\$	6,532,753

GRF 360504	Ohio Preservation Office	\$	261,609	\$	261,609
GRF 360505	National Afro-American Museum	\$	536,050	\$	536,050
GRF 360506	Hayes Presidential Center	\$	572,880	\$	572,880
GRF 360508	State Historical Grants	\$	1,675,000	\$	1,635,000
GRF 360509	Outreach and Partnership	\$	144,692	\$	144,692
TOTAL GRF General Revenue Fund		\$	15,639,076	\$	14,899,076
Dedicated Purpose Fund Group					
SKL0 360602	Ohio History Tax Check-off	\$	150,000	\$	150,000
SPD0 360603	Ohio History License Plate	\$	10,000	\$	10,000
TOTAL DPF Dedicated Purpose Fund Group		\$	160,000	\$	160,000
TOTAL ALL BUDGET FUND GROUPS		\$	15,799,076	\$	15,059,076

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio History Connection in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the Ohio History Connection for fiscal year 2022 and fiscal year 2023 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code.

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION

The foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, shall be used to support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

STATE HISTORICAL GRANTS

Of the foregoing appropriation item 360508, State Historical Grants, \$325,000 in each fiscal year shall be used for the Cleveland Institute of Art.

Of the foregoing appropriation item 360508, State Historical Grants, \$375,000 in each fiscal year shall be allocated to create the Institute of Informal Science Education to be housed at the Boonshoft Museum of Discovery for distance learning, including implementation of a pilot program. The Boonshoft Museum shall complete an efficacy report as to the result of the education of participants in the pilot program to be submitted to the General Assembly.

Of the foregoing appropriation item 360508, State Historical Grants, \$250,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$250,000 in each fiscal year shall be used for the Cincinnati Museum Center.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Nancy and David Wolf Holocaust and Humanity Center.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Cleveland Institute of Music.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for The Cleveland Orchestra.

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be used for the Jewish Federation of Cincinnati to support the Jewish Cincinnati Bicentennial.

Of the foregoing appropriation item 360508, State Historical Grants, \$75,000 in fiscal year 2022 and \$35,000 in fiscal year 2023 shall be used to support the Johnny Appleseed Museum and Education Center.

SECTION 299.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025321	Operating Expenses	\$	25,917,274	\$	25,917,274
TOTAL GRF General Revenue Fund		\$	25,917,274	\$	25,917,274

Internal Service Activity Fund Group

1030 025601	House of Representatives Reimbursement	\$	1,433,664	\$	1,433,664
4A40 025602	Miscellaneous Sales	\$	50,000	\$	50,000
TOTAL ISA Internal Service Activity Fund Group		\$	1,483,664	\$	1,483,664
TOTAL ALL BUDGET FUND GROUPS		\$	27,400,938	\$	27,400,938

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321,

Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

HOUSE REIMBURSEMENT

If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.

SECTION 301.10. HFA OHIO HOUSING FINANCE AGENCY

Dedicated Purpose Fund Group

5AZ0 997601	Housing Finance Agency	\$	14,855,643	\$	15,136,756
	Personal Services				
	TOTAL DPF Dedicated Purpose Fund Group	\$	14,855,643	\$	15,136,756
	TOTAL ALL BUDGET FUND GROUPS	\$	14,855,643	\$	15,136,756

SECTION 303.10. IGO OFFICE OF THE INSPECTOR GENERAL

General Revenue Fund

GRF 965321	Operating Expenses	\$	1,403,910	\$	1,437,000
	TOTAL GRF General Revenue Fund	\$	1,403,910	\$	1,437,000

Internal Service Activity Fund Group

5FA0 965603	Deputy Inspector General for ODOT	\$	400,000	\$	400,000
5FT0 965604	Deputy Inspector General for BWC/OIC	\$	425,000	\$	425,000
	TOTAL ISA Internal Service Activity Fund Group	\$	825,000	\$	825,000
	TOTAL ALL BUDGET FUND GROUPS	\$	2,228,910	\$	2,262,000

SECTION 305.10. INS DEPARTMENT OF INSURANCE

Dedicated Purpose Fund Group

5540 820601	Operating Expenses - OSHIIP	\$	180,000	\$	180,000
5540 820606	Operating Expenses	\$	30,861,244	\$	30,861,244
5550 820605	Examination	\$	9,179,766	\$	9,179,766
5PT0 820613	Captive Insurance Regulation and Supervision	\$	450,000	\$	450,000
	TOTAL DPF Dedicated Purpose Fund Group	\$	40,671,010	\$	40,671,010

Federal Fund Group

3U50 820602	OSHIIP Operating Grant	\$	2,793,150	\$	2,793,150
	TOTAL FED Federal Fund Group	\$	2,793,150	\$	2,793,150
	TOTAL ALL BUDGET FUND GROUPS	\$	43,464,160	\$	43,464,160

SECTION 305.20. MARKET CONDUCT EXAMINATION

When conducting a market conduct examination of any insurer doing business in this state, the Superintendent of Insurance may assess the costs of the examination against the insurer. The Superintendent may enter into consent agreements to impose administrative assessments or fines for conduct discovered that may be violations of statutes or rules administered by the Superintendent. All costs, assessments, or fines collected shall be deposited to the credit of the Department of Insurance Operating Fund (Fund 5540).

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES

The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer cash from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.

SECTION 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

GRF600410	TANF State Maintenance of Effort	\$	149,267,326	\$	149,267,326
GRF600413	Child Care State/Maintenance of Effort	\$	83,461,739	\$	83,461,739
GRF600450	Program Operations	\$	158,272,162	\$	159,177,600
GRF600451	Family and Children First	\$	1,386,000	\$	1,386,000
GRF600452	Ohio Governor Imagination Library	\$	8,000,000	\$	8,000,000
GRF600502	Child Support - Local	\$	26,400,000	\$	26,400,000
GRF600521	Family Assistance - Local	\$	48,248,768	\$	47,248,768
GRF600523	Family and Children Services	\$	222,194,327	\$	217,694,327
GRF600528	Adoption Services	\$	23,922,517	\$	23,922,517
GRF600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000
GRF600534	Adult Protective Services	\$	5,720,000	\$	5,720,000
GRF600535	Early Care and Education	\$	141,285,241	\$	141,285,241
GRF600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000
GRF600551	Job and Family Services Program Support	\$	1,200,000	\$	150,000
GRF600552	Gracehaven Pilot Program	\$	259,685	\$	0
GRF600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000
GRF600560	Employment Incentive Program	\$	2,500,000	\$	2,500,000

GRF655425	Medicaid Program Support	\$	12,461,768	\$	12,832,766
GRF655522	Medicaid Program Support - Local	\$	39,975,628	\$	38,975,628
GRF655523	Medicaid Program Support - Local Transportation	\$	43,530,000	\$	43,500,000
TOTAL GRF General Revenue Fund		\$	983,585,161	\$	977,021,912
Dedicated Purpose Fund Group					
1980 600647	Children's Trust Fund	\$	6,000,000	\$	6,000,000
2320 600644	Family and Children First	\$	1,100,000	\$	1,100,000
4A80 600658	Public Assistance Activities	\$	20,000,000	\$	20,000,000
4A90 600607	Unemployment Compensation Administration Fund	\$	9,250,000	\$	9,250,000
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000
5CV1 600557	Coronavirus Relief - Foodbanks	\$	12,000,000	\$	0
5DM0 600633	Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000
5KT0 600696	Early Childhood Education	\$	20,000,000	\$	20,000,000
5NG0 600660	Victims of Human Trafficking	\$	100,000	\$	100,000
5RX0 600699	Workforce Development Projects	\$	300,000	\$	300,000
5RY0 600698	Human Services Project	\$	21,000,000	\$	21,000,000
5TZ0 600674	Childrens Crisis Care	\$	1,000,000	\$	1,000,000
5U60 600663	Family and Children Support	\$	6,000,000	\$	6,262,000
TOTAL DPF Dedicated Purpose Fund Group		\$	99,608,000	\$	87,870,000
Internal Service Activity Fund Group					
5HL0 600602	State and County Shared Services	\$	2,000,000	\$	2,000,000
TOTAL ISA Internal Service Activity Fund Group		\$	2,000,000	\$	2,000,000
Fiduciary Fund Group					
1920 600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000
5830 600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000
5B60 600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000
TOTAL FID Fiduciary Fund Group		\$	117,000,000	\$	117,000,000
Holding Account Fund Group					
R012 600643	Refunds and Audit Settlements	\$	500,000	\$	500,000
TOTAL HLD Holding Account Fund Group		\$	500,000	\$	500,000
Federal Fund Group					
3270 600606	Child Welfare	\$	61,188,090	\$	42,487,257
3310 600615	Veterans Programs	\$	7,000,000	\$	7,000,000
3310 600624	Employment Services	\$	30,093,153	\$	28,792,564
3310 600686	Workforce Programs	\$	4,000,000	\$	4,000,000

3840	600610	Food Assistance Programs	\$	210,395,858	\$	215,299,061
3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000
3950	600616	Federal Discretionary Grants	\$	5,000,000	\$	5,000,000
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,003,000
3970	600626	Child Support - Federal	\$	200,506,379	\$	200,712,239
3980	600627	Adoption Program - Federal	\$	178,734,641	\$	178,965,021
3D30	600648	Children's Trust Fund Federal	\$	7,000,000	\$	7,000,000
3F01	655624	Medicaid Program Support - Federal	\$	215,301,139	\$	215,441,374
3H70	600617	Child Care Federal	\$	540,500,000	\$	466,500,000
3N00	600628	Foster Care Program - Federal	\$	307,654,740	\$	308,344,774
3S50	600622	Child Support Projects	\$	534,050	\$	534,050
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	169,756,357	\$	165,743,862
3V40	600632	Trade Programs	\$	31,004,791	\$	26,455,418
3V40	600678	Federal Unemployment Programs	\$	160,536,498	\$	156,864,218
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	6,183,602	\$	6,281,852
3V60	600689	TANF Block Grant	\$	961,819,158	\$	1,025,474,447
TOTAL FED Federal Fund Group			\$	3,151,208,456	\$	3,114,899,137
TOTAL ALL BUDGET FUND GROUPS			\$	4,353,901,617	\$	4,299,291,049

SECTION 307.20. COUNTY ADMINISTRATIVE FUNDS

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

(B) Of the foregoing appropriation item 600521, Family Assistance - Local, \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs.

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support

– Local.

SECTION 307.30. NAME OF FOOD STAMP PROGRAM

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

SECTION 307.40. OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$24,550,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

SECTION 307.41. UNAFFILIATED FOOD BANKS

Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to food banks or food pantries unaffiliated with the Ohio Association of Food Banks.

SECTION 307.43. The Department of Job and Family Services shall enter into a subgrant agreement with the Ohio Association of Foodbanks to enable the Association to provide food distribution to low-income families and individuals via the statewide charitable emergency food provider network and to support transportation of meals for the Governor's Office of Faith-Based and Community Initiatives Innovative Summer Meals programs for children and provide capacity building equipment for food pantries and soup kitchens.

The Ohio Association of Foodbanks shall do all of the following:

(A) Purchase food for the Agriculture Clearance and Ohio Food Programs. Information regarding the food purchase shall be reflected in the plan for statewide distribution of food products to local food distribution agencies.

(B) Provide the cost of transportation of food already purchased in fiscal year 2021 to the Governor's Office of Faith-Based and Community Initiatives Summer and Rural Meals program sites.

(C) Support the Capacity Building Grant program and purchase equipment for partner agencies that is needed to increase their capacity to serve more families eligible under the Temporary Assistance for Needy Families program with perishable foods, fruits, and vegetables. This equipment purchase shall include, but is not limited to, shelving, pallet jacks, commercial refrigerators, and commercial freezers.

(D) Submit a quarterly report to the Department of Job and Family Services not later than sixty days after the close of the quarter to which the report pertains. The quarterly report shall include all of the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) Product type and pounds distributed by foodbank service region and county;

(3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(E) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following:

(1) A summary of the allocation and expenditure of grant funds;

(2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those

between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served.

(3) The quantity and type of food distributed and the total per pound cost of the food purchased;

(4) Information on the cost of storage, transportation, and processing;

(5) An evaluation of the success in achieving expected performance outcomes.

SECTION 307.50. FOOD STAMPS TRANSFER

On July 1, 2021, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

SECTION 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

SECTION 307.70. TANF STATE MAINTENANCE OF EFFORT

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$5,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in each fiscal year shall be provided to the Boys and Girls Club of Massillon.

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$3,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.

SECTION 307.80. TEMPORARY ASSISTANCE FOR NEEDY

FAMILIES BLOCK GRANT

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,535,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that align with the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, as outlined in section 107.12 of the Revised Code, and that further at least one of the four purposes of the TANF program, as specified in 42 U.S.C. 601. Of the amount earmarked to support the mission and goals of the Governor's Office of Faith-Based and Community Initiatives, \$250,000 in each fiscal year shall be used to support the Connect Our Kids Family Connections training.

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Independent Living Initiative, including life skills training and work supports for older children in foster care and those who have recently aged out of foster care who meet TANF eligibility requirements.

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$2,500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Commission on Fatherhood.

Of the foregoing appropriation item 600689, TANF Block Grant, \$2,300,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Open Doors Academy to support out-of-school programs in northeast Ohio, Lima, and to support up to four additional locations in the state.

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Children's Trust Fund.

Of the foregoing appropriation item 600689, TANF Block Grant, \$1,175,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Children's Hunger Alliance to assist with meal sponsorship, early child care programs, child care, consultations and nutrition education, school district nutrition programs, after school nutrition programs, and summer nutrition programs.

Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections

5101.80 and 5101.801 of the Revised Code, to the Waterford Institute to implement a pilot program for pre-kindergarten children.

Of the foregoing appropriation item 600689, TANF Block Grant, \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children throughout the state who have experienced trauma in their lives, including parental incarceration.

Of the foregoing appropriation item 600689, TANF Block Grant, \$750,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Council of YWCAs to support programs that prevent domestic violence, support victims of domestic violence, provide trauma-informed support for survivors, and support educational opportunities for at-risk youth.

Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support Ohio YMCA day camps and before and after school programs to help students with learning loss and mental health due to the COVID-19 pandemic.

Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, Inc. to support programs that provide early learning and behavioral health services for at-risk youth in addition to workforce development, life skills training, parent education, and couples therapy to improve healthy family formation, maintenance, and stability for young adult parents and financially disadvantaged couples. Not later than January 1, 2023, Child Focus, Inc. shall provide a report to the Director of Job and Family Services regarding the number of additional children served with this funding and the outcomes and efficacy of these programs.

Of the foregoing appropriation item 600689, TANF Block Grant, \$300,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Shoes and Clothes for Kids to establish the Classroom Guarantee and Third Grade Reading Improvement Pilot Program in Lorain County and to increase the number of children served in Cuyahoga County.

Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Sisters of Charity Foundation of Cleveland to support the A Place 4 Me youth homeless drop-in center.

Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Communities In Schools of Ohio to provide supports for at-risk youth for wraparound services, which directly impact chronic absenteeism and dropout rates.

Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Produce Perks Midwest.

Of the foregoing appropriation item 600689, TANF Block Grant, \$200,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Marriage Works! Ohio in Dayton.

Of the foregoing appropriation item 600689, TANF Block Grant, \$200,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of Greater Cleveland's Early Learning Center to support the trauma informed preschool for homeless, low income, and at-risk preschool children.

Of the foregoing appropriation item 600689, TANF Block Grant, \$300,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to University Circle Inc. in Cleveland to support the Circle Scholars and Circle Explorers program.

Of the foregoing appropriation item 600689, TANF Block Grant, \$282,400 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support the Somali Community Link's housing assistance program.

Of the foregoing appropriation item 600689, TANF Block Grant, \$110,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support University Settlement family assistance programs in the Broadway-Slavic Village neighborhood of Cleveland.

Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Birthing Beautiful Communities in Cleveland.

Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to The Foundry in Cleveland.

Of the foregoing appropriation item 600689, TANF Block Grant, \$100,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support INspirED

educational planning, financial literacy, and college and career counseling services in schools to promote workforce development and reduce student loan debt.

Of the foregoing appropriation item 600689, TANF Block Grant, \$25,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Make a Day Foundation to reduce parental dependence on government resources and promote job readiness by connecting chronically homeless individuals to rapid rehousing resources and improving the health and wellness of needy parents through connections to comprehensive health, mental health, substance use disorder, dental and vision care, and job readiness and smart justice information, resources, and referrals.

Of the foregoing appropriation item 600689, TANF Block Grant, \$425,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to Mahoning County High School to support out-of-school programs in Mahoning County.

SECTION 307.81. KINSHIP CAREGIVER PROGRAM

Of the foregoing appropriation item 600689, TANF Block Grant, \$10,000,000 in each fiscal year shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to support kinship care. The Director of Job and Family Services shall allocate funds to county departments of job and family services by providing twelve per cent divided equally among all counties, forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state, and forty per cent in the ratio that the number of residents of the county with incomes under one hundred per cent of the federal poverty guideline bears to the total number of such persons in this state. Each public children services agency shall use these funds to provide reasonable and necessary relief of child caring functions so that kinship caregivers, as defined in section 5101.85 of the Revised Code, can provide and maintain a home for a child in place of a child's parents. When the public children services agency is designated under division (A) of section 5153.02 of the Revised Code, the county department of job and family services shall enter into a memorandum of understanding with the public children services agency authorizing the expenditure of funds for this purpose up to the amount of the allocation.

Each county department of job and family services shall incorporate the kinship caregiver support program into its prevention, retention, and contingency plan. The program shall include a family stabilization service

and a caregiving service. For the purpose of the stabilization service, each child living with a kinship caregiver shall constitute a prevention, retention, and contingency assistance group of one. Stabilization services shall be designed to transition the child into and maintain the child in the home of the kinship caregiver. For the purpose of the caregiving service, each assistance group shall include at least a child living with a kinship caregiver and the kinship caregiver.

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section.

If funding is no longer available, the kinship caregiver support program in this section shall end and any county department of job and family services or public children services agency shall not be held responsible for payment of services.

SECTION 307.82. FAMILY STABILITY PROGRAMS

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$1,000,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Siemer Institute to support Family Stability Programs in collaboration with United Way affiliates on a quarterly basis. The funds shall be used to help provide services and early intervention focused on improving family housing stability, increasing household income, reducing school mobility, and supporting two-generation programming to stabilize family units.

Before any funds are reimbursed, the Siemer Institute or affiliates shall provide the Department of Job and Family Services with documentation showing the amount of private sector dollars that have been collected to support the Family Stability Programs. The amount of each reimbursement provided by the Department to the Siemer Institute shall not exceed the amount documented and shall not exceed the amount of the earmark in each fiscal year.

On July 1, 2022, or as soon as possible thereafter, the Director of Job and Family Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2022. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

SECTION 307.90. FAMILY AND CHILDREN SERVICES

Of the foregoing appropriation item 600523, Family and Children

Services, up to \$3,200,000 in each fiscal year shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.

Of the foregoing appropriation item 600523, Family and Children Services, up to \$25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth requiring support from multiple systems. These funds may be used for youth currently in the custody of a public children services agency or to prevent children from entering into the custody of a public children services agency by custody relinquishment or another mechanism. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 600523, Family and Children Services, up to \$5,000,000 in each fiscal year may be used for staffing for foster parent recruitment, engagement, and support; and up to \$5,000,000 in each fiscal year may be used to strengthen best practices. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 600523, Family and Children Services, up to \$120,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2022 and fiscal year 2023 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

SECTION 307.100. KINSHIP CARE NAVIGATOR PROGRAM

Of the foregoing appropriation item 600523, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the

Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

SECTION 307.109. OHIO FAMILY AND CHILDREN FIRST COUNCIL

(A) On the effective date of this section, fiscal and administrative agent duties for the Ohio Family and Children First Cabinet Council created under section 121.37 of the Revised Code, which have been performed by the Department of Mental Health and Addiction Services, transfer to the Department of Job and Family Services. Associated with the transfer, the location of the Council's office shall move to the Department of Job and Family Services. The transfer as described in this section does not affect the Council's purpose, powers, or duties as specified in section 121.37 of the Revised Code.

(B) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section. Any rules, orders, or determinations pertaining to the Council continue in effect as rules, orders, and determinations of the Council until modified or rescinded.

(C) Subject to workforce reduction provisions set forth in sections 124.321 through 124.328 of the Revised Code, all employees of the Council are transferred to the Department of Job and Family Services and retain their current positions and benefits.

(D) No judicial or administrative action or proceeding to which the Council or an authorized officer of the Council is a party that is pending on the effective date of this section is affected by the transfer. Any such action or proceeding shall be prosecuted and defended in the name of the Council.

(E) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the transfer described in division (A) of this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2021 and 2022 in the appropriate fund and appropriation items for the same purpose and for payment to the same vendor. The established encumbrances are hereby appropriated.

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 336405, Family and Children First, and reestablish them against appropriation item 600451, Family and Children First. The reestablished encumbrance amounts are hereby appropriated. Any business

commenced but not completed under appropriation item 336405, Family and Children First, by July 1, 2021, shall be completed under appropriation item 600451, Family and Children First, in the same manner, and with the same effect, as if completed with regard to appropriation item 336405, Family and Children First.

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 336621, Family and Children First, and reestablish them against appropriation item 600644, Family and Children First. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 336621, Family and Children First, by July 1, 2021, shall be completed under appropriation item 600644, Family and Children First, in the same manner, and with the same effect, as if completed with regard to appropriation item 336621, Family and Children First.

(F) All records, documents, files, equipment, assets, and other property of the Council that existed prior to the effective date of this section remain in the possession of the Council and are not affected by the transfer.

SECTION 307.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency

that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protection Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

SECTION 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Community Protection Services, shall be distributed to county departments of job and family services. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;

(3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;

(4) To provide outreach, referral, application assistance, and other services to assist individuals to receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.

(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation.

SECTION 307.130. ADULT PROTECTIVE SERVICES

The foregoing appropriation item 600534, Adult Protective Services, shall be divided equally among the counties.

SECTION 307.140. FAMILY AND CHILDREN ACTIVITIES

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

SECTION 307.145. JOB AND FAMILY SERVICES PROGRAM SUPPORT

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$150,000 in each fiscal year shall be provided to Men's Challenge in Stark County.

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$50,000 in fiscal year 2022 shall be provided to the Youngstown Area Jewish Federation to support its mobile meals program.

SECTION 307.146. GRACEHAVEN PILOT PROGRAM

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to support the creation and operation of Gracehaven locations to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

SECTION 307.150. COURT APPOINTED SPECIAL ADVOCATES

Of the foregoing appropriation item 600553, Court Appointed Special Advocates, up to \$333,333 in each fiscal year shall be used to support administrative costs associated with existing court-appointed special advocate programs.

Of the foregoing appropriation item 600553, Court Appointed Special Advocates, up to \$666,667 in each fiscal year shall be used to establish court-appointed special advocate programs in areas of the state that are not served by an existing program and to support existing programs.

Of the foregoing appropriation item 600616, Federal Discretionary Grants, up to \$800,000 in each fiscal year shall be used for the training of guardians ad litem and court-appointed special advocates as well as to

conduct a study to demonstrate the impact of court-appointed special advocate volunteers on outcomes for children who are in child welfare custody as a result of abuse, neglect, or dependency.

SECTION 307.152. EMPLOYMENT INCENTIVE PROGRAM

The foregoing appropriation item 600560, Employment Incentive Program, shall be provided to eligible county departments of job and family services to develop employment incentive programs. In order to receive funds, a county department of job and family services shall submit a plan regarding the use of these funds for approval by the Director of Job and Family Services. The plan shall be submitted as part of the county's prevention, retention, and contingency plan. Funds shall be used in accordance with section 307.983 of the Revised Code to do both of the following:

(A) Incentivize individuals, who are either currently enrolled or recently stopped participating in the Supplemental Nutrition Assistance Program, Medicaid, or a Temporary Assistance for Needy Families program, to enhance, achieve, or maintain self-sufficiency through employment;

(B) Provide the nonfederal share for outreach, referral, application assistance, and other services to assist individuals in receiving incentives through the employment incentive program and any related supportive services to stabilize their employment and long-term self-sufficiency.

SECTION 307.158. GOVERNOR'S OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

Of the foregoing appropriation item 600450, Program Operations, \$750,000 in each fiscal year shall be used by the Governor's Office of Faith-Based and Community Initiatives to support the development of the Connect Our Kids Family Connections technology and the development of the Connect Our Kids Connections Matter Academy for transition-aged youth.

SECTION 307.160. WENDY'S WONDERFUL KIDS

Of the foregoing appropriation items 600450, Program Operations, 600627, Adoption Program - Federal, 600606, Child Welfare, a total of up to \$12,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused

model to find permanent homes for children in Ohio foster care.

SECTION 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

The Director of Job and Family Services may seek Controlling Board approval to transfer up to \$21,000,000 cash in each fiscal year from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) to the Human Services Projects Fund (Fund 5RY0).

SECTION 307.180. ADOPTION ASSISTANCE LOAN

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated.

SECTION 307.190. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code.

SECTION 307.200. VICTIMS OF HUMAN TRAFFICKING

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code.

If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

SECTION 307.210. CHILDRENS CRISIS CARE

The foregoing appropriation item 600674, Childrens Crisis Care, shall

be allocated by the Department of Job and Family Services in each fiscal year to children's crisis care facilities as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds in each fiscal year based on the total length of stay or days of care for each child residing in the facility, which is determined by calculating the total days each child resides at the crisis care facility, including the date of admission, but not the day of discharge. A children's crisis care facility may decline to receive funds provided under this section. A children's crisis care facility that accepts funds provided under this section shall use the funds in accordance with section 5103.13 of the Revised Code and the rules as defined in rule 5101:2-9-36 of the Administrative Code.

SECTION 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS

The Fiduciary Fund Group and Holding Account Fund Group shall be used to hold revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Job and Family Services. Any Department of Job and Family Services refunds or reconciliations received or held by the Department of Medicaid shall be transferred or credited to the Refunds and Audit Settlement Fund (Fund R012). If receipts credited to the Support Intercept – Federal Fund (Fund 1920), the Support Intercept – State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and Audit Settlements Fund (Fund R012) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

SECTION 307.230. FEDERAL UNEMPLOYMENT PROGRAMS

A portion of the foregoing appropriation item 600678, Federal Unemployment Programs, shall be provided in accordance with sections 4141.162 and 4141.35 of the Revised Code to administer fraud identification and prevention efforts in the unemployment program.

SECTION 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT

To improve customer service and program integrity within the

Unemployment Insurance Program, the Department of Job and Family Services shall integrate specific system enhancements to streamline claims processing, enhance adjudication methodology where appropriate, and secure and implement a new cloud-based tax and benefits system to replace outdated technology.

SECTION 307.250. (A) There is hereby established a study committee to evaluate all of the following regarding both publicly funded child care, as described in section 5104.30 of the Revised Code, and the Step Up to Quality Program, as created by section 5104.29 of the Revised Code:

(1) The number of children and families receiving publicly funded child care;

(2) The number of early learning and development programs, as defined in section 5104.29 of the Revised Code, participating in the Step Up to Quality Program administered by the Ohio Department of Job and Family Services and providing publicly funded child care;

(3) The number of child care providers licensed by the Ohio Department of Job and Family Services;

(4) Funding sources for both publicly funded child care and the Step Up to Quality Program;

(5) The long-term sustainability of those funding sources;

(6) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;

(7) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;

(8) The administrative burdens that result from obtaining and maintaining a quality rating;

(9) Alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality Program;

(10) The manner in which the Department of Job and Family Services establishes reimbursement ceilings for publicly funded child care, including through the use of market rate surveys.

(B) The committee shall consist of all of the following members:

(1) The Director of the Ohio Department of Job and Family Services or the Director's designee who has experience in child care oversight;

(2) The Superintendent of Public Instruction or the Superintendent's designee who has experience in child care or early childhood education;

(3) Two directors of a county department of job and family services, one

appointed by the Senate President and one appointed by the Speaker of the House of Representatives, each with experience in publicly funded child care oversight;

(4) A home-based child care provider providing publicly funded child care appointed by the Senate President;

(5) A center-based child care provider providing publicly funded child care appointed by the Speaker of the House of Representatives;

(6) A representative of the Ohio Society of Certified Public Accountants appointed by the Speaker of the House of Representatives;

(7) Two representatives, each from a child care advocacy organization, one appointed by the Senate President and one appointed by the Speaker of the House of Representatives;

(8) A representative of the business community appointed by the Senate President;

(9) Three members of the Senate, not more than two from the same party, each appointed by the Senate President;

(10) Three members of the House of Representatives, not more than two from the same party, each appointed by the Speaker of the House of Representatives.

The Senate President shall appoint one of the members described in division (B)(9) of this section to serve as the committee's co-chairperson. The Speaker of the House of Representatives shall appoint one of the members described in division (B)(10) of this section to serve as the committee's other co-chairperson.

The appointments required by this section shall be made not later than thirty days after the effective date of this section.

Members shall serve without compensation.

If a member appointed to the committee no longer satisfies the grounds upon which the member was appointed, the member is ineligible to continue to serve on the committee and a new member shall be appointed in accordance with division (B) of this section.

(C)(1) To evaluate the issues described in division (A) of this section, the committee shall meet at the call of the co-chairpersons, with the first meeting to be held not later than thirty days after appointments have been made. The committee shall hold hearings to receive testimony from the public and relevant state agencies and boards.

(2) Not later than December 31, 2021, the committee shall evaluate and recommend alternative criteria by which a child day-care center or family day-care home that enrolls a low census of children receiving publicly funded child care may obtain a one-star rating in the Step Up to Quality

Program.

The committee may issue reports as necessary and shall issue a final report with any findings or recommendations not later December 1, 2022.

Any report issued by the study committee is nonbinding and shall be considered only as a recommendation.

The committee shall provide a copy of each report it issues to the Governor and to the Ohio General Assembly and Ohio Legislative Service Commission in accordance with division (B) of section 101.68 of the Revised Code.

(3) The staff of the Legislative Service Commission shall provide services to the committee.

(D) This section expires on the adjournment of the 134th General Assembly.

SECTION 307.260. UNEMPLOYMENT COMPENSATION

Not later than March 1, 2022, the Director of Job and Family Services shall certify to the Director of Budget and Management, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and to the chairpersons and ranking members of the Senate and House of Representatives standing committees that consider unemployment compensation issues the amount of unrecovered unemployment compensation as defined in section 4141.284 of the Revised Code and Pandemic Unemployment Assistance benefits provided under the "Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 9021, that were issued due to fraudulent misrepresentation during the period March 1, 2020, and December 31, 2021.

SECTION 307.270. PUBLICLY FUNDED CHILD CARE

Of the foregoing appropriation item 600617, Child Care Federal, \$50,000,000 in fiscal year 2022 of the amounts provided from the "Consolidated Appropriations Act, 2021" Pub. L. No. 116-260 shall be used to provide a discount to the co-payments, established under section 5104.38 of the Revised Code, for families participating in publicly funded child care.

All of the following apply to funds provided through the "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, including funds appropriated through appropriation item 600617, Child Care Federal:

(A) In the event "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, funds not previously appropriated by the General Assembly,

including through Controlling Board or as part of S.B. 109 of the 134th General Assembly, remain available, the Department of Job and Family Services shall use the funds to assist with stabilizing and sustaining the child care program, improve workforce recruitment and retention, and increase access for families.

(B) In the event Ohio receives federal Child Care Development Fund (CCDF) supplemental discretionary funds from the "American Rescue Plan Act of 2021," Pub. L. No. 117-2, the Department of Job and Family Services shall use the funds to assist with stabilizing and sustaining the child care program, improve workforce recruitment and retention, and increase access for families.

SECTION 307.280. Beginning on the effective date of this section and through June 30, 2023, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code:

(A) Except as provided in division (B) of this section, the maximum amount of income that a family may have for initial eligibility shall not exceed one hundred forty-two per cent of the federal poverty line;

(B) For special needs child care, as defined in section 5104.01 of the Revised Code, the maximum amount of income that the family may have for initial eligibility shall not exceed one hundred fifty per cent of the federal poverty line.

(C) The maximum amount of income that a family may have for continued eligibility shall not exceed three hundred per cent of the federal poverty line.

SECTION 307.290. (A) Notwithstanding any provision of law or regulation to the contrary, in order to improve the timeliness of public assistance benefit deliveries, maximize operational efficiencies, increase cost savings, and minimize fraud, each county department of job and family services shall participate in a no cost, ninety-day pilot, under which each county department shall obtain real-time employment and income information from a third-party commercial consumer reporting agency, in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq., for the purpose of assisting with eligibility determinations for Supplemental Nutrition Assistance Program benefits, benefits funded by the Temporary Assistance for Needy Families block grant, and unemployment compensation benefits. Each county department shall conduct an analysis on

the pilot and undertake efforts to incorporate real-time employment and income information into existing verification and eligibility determination procedures.

(B) Following the conclusion of the ninety-day pilot, the department of job and family services may contract with a vendor capable of providing the same or similar services to those described in this section. Of the foregoing appropriation item 600551, Job and Family Services Support, up to \$1,000,000 in fiscal year 2022 may be used to contract with a vendor.

SECTION 307.300. PUBLIC ASSISTANCE BENEFITS
ACCOUNTABILITY TASK FORCE

(A) There is hereby created the Public Assistance Benefits Accountability Task Force consisting of the following fifteen members:

(1) The Medicaid Director, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(2) The Director of the Department of Job and Family Services, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(3) The Director of the Office of InnovateOhio, or the Director's designee, who shall serve as an ex-officio, nonvoting member;

(4) The following members appointed by the President of the Senate;

(a) A director of a county department of job and family services;

(b) A business owner who employs fewer than one hundred people;

(c) A director of a child support enforcement agency;

(d) Three members of the Senate, two from the majority party and one from the minority party.

(5) The following members appointed by the Speaker of the House of Representatives:

(a) A business owner who employs fewer than five hundred people;

(b) A representative of the Ohio Job and Family Services Directors' Association;

(c) A director of a county workforce development agency;

(d) Three members of the House of Representatives, two from the majority party and one from the minority party.

(B) Not later than ninety days from the effective date of this section, the President of the Senate and the Speaker of the House of Representatives shall each appoint a co-chairperson from among the members they appoint to the task force. Thereafter, the task force shall meet at the call of the co-chairpersons.

(C) The task force shall have the power to do the following:

(1) Review the November 9, 2020, report of the State Auditor entitled "Ohio's Medicaid Eligibility Determination Process" and determine to what extent the recommendations included in the report have been adopted. Within ninety days of conducting this review, the task force shall report to the President of the Senate and the Speaker of the House of Representatives regarding the status of implementation of these recommendations.

(2) Review past and present welfare to work county programs and their effectiveness on assisting individuals in achieving employment.

(3) Review existing fraud prevention efforts at the state and county levels and determine best practices for fraud prevention in the Supplemental Nutrition Assistance Program, Medicaid Program, Ohio Works First, and publicly funded child care program.

(4) Review and establish best practices regarding overpayment of benefits in the Supplemental Nutrition Assistance Program, Medicaid program, and publicly funded child care program and determine how these overpayments can be prevented at the state and county levels.

(5) Review and recommend best practices for processing public assistance cases to create efficiencies and reduce errors through the use of technology.

(6) Review and evaluate the length of time that individuals receive public assistance in this state and recommend ways to return individuals to the workforce.

(7) Review existing efforts to ensure compliance with child support enforcement across public assistance benefit programs and recommend additional ways compliance could be improved.

(8) Review the costs and benefits associated with implementing a requirement that each Supplemental Nutrition Assistance Program debit card include a color photograph of at least one adult member of the household.

(D) Members of the task force shall serve without compensation.

(E) Not later than eighteen months after convening, the task force shall prepare and submit a report to the General Assembly, in accordance with section 101.68 of the Revised Code, regarding any recommendations concerning the topics described in division (C) of this section. Upon the submission of its report, the task force shall cease to exist.

SECTION 309.10. JCR JOINT COMMITTEE ON AGENCY RULE
REVIEW
General Revenue Fund

GRF 029321	Operating Expenses	\$	570,000	\$	570,000
TOTAL GRF	General Revenue Fund	\$	570,000	\$	570,000
TOTAL ALL BUDGET FUND GROUPS		\$	570,000	\$	570,000

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE

General Revenue Fund

GRF 048321	Operating Expenses	\$	371,848	\$	575,083
TOTAL GRF	General Revenue Fund	\$	371,848	\$	575,083
TOTAL ALL BUDGET FUND GROUPS		\$	371,848	\$	575,083

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive

Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 315.10. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund

GRF 018321	Operating Expenses	\$	1,046,464	\$	1,083,265
TOTAL GRF General Revenue Fund		\$	1,046,464	\$	1,083,265

Dedicated Purpose Fund Group

4030 018601	Ohio Jury Instructions	\$	531,471	\$	540,421
TOTAL DPF Dedicated Purpose Fund Group		\$	531,471	\$	540,421
TOTAL ALL BUDGET FUND GROUPS		\$	1,577,935	\$	1,623,686

STATE COUNCIL OF UNIFORM STATE LAWS

Notwithstanding section 105.26 of the Revised Code, of the foregoing appropriation item 018321, Operating Expenses, up to \$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 shall be used to pay the expenses of the State Council of Uniform State Laws, including membership dues to the National Conference of Commissioners on Uniform State Laws.

OHIO JURY INSTRUCTIONS FUND

The Ohio Jury Instructions Fund (Fund 4030) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received for the purpose of supporting costs incurred by the Judicial Conference of Ohio in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. Fund 4030 shall be used by the Judicial Conference of Ohio to pay expenses incurred in its activities as a part of the judicial system of the state as determined by the Judicial Conference Executive Committee. All moneys accruing to Fund 4030 in excess of the amount appropriated for the current fiscal year are hereby appropriated for the purposes authorized. No money in Fund 4030 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board.

SECTION 317.10. JSC THE JUDICIARY/SUPREME COURT

General Revenue Fund

GRF 005321	Operating Expenses - Judiciary/Supreme Court	\$	185,879,257	\$	190,389,942
GRF 005401	State Criminal Sentencing Commission	\$	1,346,891	\$	1,438,123
GRF 005406	Law-Related Education	\$	350,000	\$	350,000

2210

GRF 005409	Ohio Courts Technology Initiative	\$	3,829,540	\$	3,843,940
TOTAL GRF General Revenue Fund		\$	191,405,688	\$	196,022,005
Dedicated Purpose Fund Group					
4C80 005605	Attorney Services	\$	11,015,310	\$	10,979,027
5HT0 005617	Court Interpreter Certification	\$	7,000	\$	7,000
5SP0 005626	Civil Justice Grant Program	\$	350,000	\$	350,000
5T80 005609	Grants and Awards	\$	5,000	\$	5,000
6720 005601	Judiciary/Supreme Court Education	\$	105,000	\$	105,000
TOTAL DPF Dedicated Purpose Fund Group		\$	11,482,310	\$	11,446,027
Fiduciary Fund Group					
5JY0 005620	County Law Library Resources Boards	\$	308,000	\$	323,500
TOTAL FID Fiduciary Fund Group		\$	308,000	\$	323,500
Federal Fund Group					
3J00 005603	Federal Grants	\$	1,155,203	\$	1,026,530
TOTAL FED Federal Fund Group		\$	1,155,203	\$	1,026,530
TOTAL ALL BUDGET FUND GROUPS		\$	204,351,201	\$	208,818,062

SECTION 317.20. STATE CRIMINAL SENTENCING COMMISSION

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code.

LAW-RELATED EDUCATION

Of the foregoing appropriation item 005406, Law-Related Education, \$200,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.

Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates running for Chief Justice or Justice of the Ohio Supreme Court or judge of a court of appeals who were nominated at a primary election to appear on the ballot at the general election with a political party designation. No funds shall be used for the endorsement or promotion of any candidate.

OHIO COURTS TECHNOLOGY INITIATIVE

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the

development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive use of technology in Ohio courts.

ATTORNEY SERVICES

The Attorney Registration Fund (Fund 4C80) shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division which include the Office of Bar Admissions. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION

The Court Interpreter Certification Fund (Fund 5HT0) shall consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) \$50 voluntary donations made as part of the biennium attorney registration process and (2) \$150 increase in the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be

used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Judiciary/Supreme Court Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS

The Statewide Consortium of County Law Library Resources Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant to section 307.515 of the Revised Code into a county's law library resources fund and

forwarded by that county's treasurer for deposit in the state treasury pursuant to division (E)(1) of section 3375.481 of the Revised Code. The foregoing appropriation item 005620, County Law Library Resources Boards, shall be used for the operation of the Statewide Consortium of County Law Library Resources Boards. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5JY0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5JY0 shall be credited to the fund.

FEDERAL GRANTS

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

SECTION 319.10. LEC LAKE ERIE COMMISSION

Dedicated Purpose Fund Group

4C00 780601	Lake Erie Protection	\$	699,000	\$	699,000
6H20 780604	H2Ohio	\$	125,000	\$	125,000
TOTAL DPF Dedicated Purpose Fund Group		\$	824,000	\$	824,000

Federal Fund Group

3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000
TOTAL FED Federal Fund Group		\$	50,000	\$	50,000
TOTAL ALL BUDGET FUND GROUPS		\$	874,000	\$	874,000

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND

On July 1 of each fiscal year, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept contributions and transfers made to the fund.

Fund	Fund Name	User	FY 2022	FY 2023
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5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
4700	General Operations	Department of Health	\$25,000	\$25,000
1570	Program Support	Department of Natural Resources	\$25,000	\$25,000

On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Development, as specified by the Director of Development, to Fund 4C00.

On July 1, 2021, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of the Lake Erie Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 780604, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund

GRF 028321	Legislative Ethics Committee	\$	625,000	\$	625,000
TOTAL GRF General Revenue Fund		\$	625,000	\$	625,000
Dedicated Purpose Fund Group					
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$	150,000
5HN0 028602	Investigations and Financial	\$	10,000	\$	10,000

Disclosure			
TOTAL DPF Dedicated Purpose Fund Group	\$	160,000	\$ 160,000
TOTAL ALL BUDGET FUND GROUPS	\$	785,000	\$ 785,000

LEGISLATIVE ETHICS COMMITTEE

On July 1, 2021, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 028321, Legislative Ethics Committee, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 323.10. LSC LEGISLATIVE SERVICE COMMISSION

General Revenue Fund

GRF 035321	Operating Expenses	\$ 21,362,380	\$ 21,362,380
GRF 035402	Legislative Fellows	\$ 1,110,000	\$ 1,110,000
GRF 035405	Correctional Institution Inspection Committee	\$ 447,020	\$ 447,020
GRF 035407	Legislative Task Force on Redistricting	\$ 1,000,000	\$ 0
GRF 035409	National Associations	\$ 600,000	\$ 600,000
GRF 035410	Legislative Information Systems	\$ 11,003,890	\$ 11,003,890
GRF 035420	Ohio Redistricting Commission	\$ 100,000	\$ 0
GRF 035501	Litigation	\$ 1,000,000	\$ 1,000,000
TOTAL GRF General Revenue Fund		\$ 36,623,290	\$ 35,523,290

Dedicated Purpose Fund Group

4100 035601	Sale of Publications	\$ 10,000	\$ 10,000
TOTAL DPF Dedicated Purpose Fund Group		\$ 10,000	\$ 10,000
TOTAL ALL BUDGET FUND GROUPS		\$ 36,633,290	\$ 35,533,290

SECTION 323.20. OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of

fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE

On July 1, 2021, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035405, Correctional Institution Inspection Committee, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

LEGISLATIVE TASK FORCE ON REDISTRICTING

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2021 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2022.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2022 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2023.

LEGISLATIVE INFORMATION SYSTEMS

On July 1, 2021, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The

amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

OHIO REDISTRICTING COMMISSION

The foregoing appropriation item 035420, Ohio Redistricting Commission, shall be used by the Commission solely to perform its duties in accordance with Articles XI and XIX of the Ohio Constitution. Notwithstanding any provision of law to the contrary, any moneys expended from the foregoing appropriation item 035420, Ohio Redistricting Commission, shall be used exclusively for expenditures that serve a proper public purpose and be spent by the Commission during the time period beginning on the date the Commission first convenes, and ending on the date the Commission dissolves, in accordance with Articles XI and XIX of the Ohio Constitution. Moneys from the foregoing appropriation item 035420, Ohio Redistricting Commission, shall not be used for any legal services or consulting rendered for the purpose of bringing legal action against the state or any of its agents in connection with the redistricting of congressional and General Assembly districts of this state.

LITIGATION

The foregoing appropriation item 035501, Litigation, shall be used for any lawsuit in which the General Assembly, or either house of the General Assembly, is made a party or for any action under section 101.55 of the Revised Code. The chairperson and vice-chairperson of the Legislative Service Commission shall both approve the use of the appropriated moneys.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2021 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2022.

An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 035501, Litigation, at the end of fiscal year 2022 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2023.

SECTION 325.10. LIB STATE LIBRARY BOARD

General Revenue Fund

GRF 350321	Operating Expenses	\$	4,293,122	\$	4,293,122
GRF 350401	Ohioana Library Association	\$	305,000	\$	305,000
GRF 350502	Regional Library Systems	\$	480,000	\$	480,000
TOTAL GRF	General Revenue Fund	\$	5,078,122	\$	5,078,122

Dedicated Purpose Fund Group

4590 350603	Services for Libraries	\$	4,252,887	\$	4,252,887
4S40 350604	Ohio Public Library Information Network	\$	5,696,898	\$	5,698,898
5GB0 350605	Library for the Blind	\$	1,274,194	\$	1,274,194
TOTAL DPF	Dedicated Purpose Fund Group	\$	11,223,979	\$	11,225,979

Internal Service Activity Fund

1390 350602	Services for State Agencies	\$	8,000	\$	8,000
TOTAL ISA	Internal Service Activity Fund Group	\$	8,000	\$	8,000

Federal Fund Group

3130 350601	LSTA Federal	\$	5,366,565	\$	5,366,565
TOTAL FED	Federal Fund Group	\$	5,366,565	\$	5,366,565
TOTAL ALL BUDGET FUND GROUPS		\$	21,676,666	\$	21,678,666

SECTION 325.20. OHIOANA LIBRARY ASSOCIATION

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

OHIO PUBLIC LIBRARY INFORMATION NETWORK

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries

with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

SECTION 327.10. LCO LIQUOR CONTROL COMMISSION

Dedicated Purpose Fund Group

5LP0 970601	Commission Operating Expenses	\$	1,031,108	\$	1,036,458
TOTAL DPF Dedicated Purpose Fund Group		\$	1,031,108	\$	1,036,458
TOTAL ALL BUDGET FUND GROUPS		\$	1,031,108	\$	1,036,458

SECTION 329.10. LOT STATE LOTTERY COMMISSION

State Lottery Fund Group

7044	950321	Operating Expenses	\$	57,344,482	\$	58,581,656
7044	950402	Advertising Contracts	\$	27,925,000	\$	27,925,000
7044	950403	Gaming Contracts	\$	84,082,171	\$	90,357,570
7044	950601	Direct Prize Payments	\$	158,700,369	\$	162,809,344
7044	950605	Problem Gambling	\$	4,000,000	\$	4,000,000
8710	950602	Annuity Prizes	\$	56,311,050	\$	58,328,775
TOTAL SLF State Lottery Fund Group			\$	388,363,072	\$	402,002,345
TOTAL ALL BUDGET FUND GROUPS			\$	388,363,072	\$	402,002,345

OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal year 2023. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

SECTION 333.10. MCD DEPARTMENT OF MEDICAID

General Revenue Fund

GRF 651425	Medicaid Program Support - State	\$ 158,301,609	\$ 158,837,954
GRF 651426	Positive Education Program Connections	\$ 2,500,000	\$ 0
GRF 651525	Medicaid Health Care Services - State	\$ 3,873,221,271	\$ 5,363,449,603
	Medicaid Health Care Services - Federal	\$ 10,675,590,808	\$ 13,176,728,743
	Medicaid Health Care Services - Total	\$ 14,548,812,079	\$ 18,540,178,346
GRF 651526	Medicare Part D	\$ 494,158,753	\$ 590,346,922
GRF 651529	Brigid's Path Pilot	\$ 1,000,000	\$ 1,000,000
GRF 651533	Food Pharmacy Pilot Project	\$ 250,000	\$ 250,000
TOTAL GRF General Revenue Fund			
	State	\$ 4,529,431,633	\$ 6,113,884,479
	Federal	\$ 10,675,590,808	\$ 13,176,728,743
	GRF Total	\$ 15,205,022,441	\$ 19,290,613,222

Dedicated Purpose Fund Group

4E30 651605	Resident Protection Fund	\$ 7,000,000	\$ 7,000,000
5AN0 651686	Care Innovation and Community Improvement Program	\$ 84,195,790	\$ 82,970,165
5DL0 651639	Medicaid Services - Recoveries	\$ 552,500,000	\$ 615,150,000
5DL0 651685	Medicaid Recoveries – Program Support	\$ 98,332,700	\$ 80,747,100
5DL0 651690	Multi-system Youth Custody Relinquishment	\$ 16,000,000	\$ 16,000,000
5FX0 651638	Medicaid Services - Payment Withholding	\$ 12,000,000	\$ 12,000,000
5GF0 651656	Medicaid Services - Hospital Franchise Fee	\$ 931,200,000	\$ 980,800,000
5R20 651608	Medicaid Services - Long Term	\$ 415,000,000	\$ 415,000,000
5SA4 651689	Medicaid Health & Human Services	\$ 900,000,000	\$ 300,000,000
5TN0 651684	Medicaid Services - HIC Fee	\$ 991,000,000	\$ 951,000,000
5XY0 651694	Improvements for Priority Populations	\$ 10,500,000	\$ 10,500,000
6510 651649	Medicaid Services - Hospital Care Assurance Program	\$ 216,671,003	\$ 241,843,358
TOTAL DPF Dedicated Purpose Fund Group		\$ 4,234,399,493	\$ 3,713,010,623

Holding Account Fund Group

R055 651644	Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000
TOTAL HLD Holding Account Fund Group		\$ 1,000,000	\$ 1,000,000

Federal Fund Group

3ER0 651603	Medicaid and Health Transformation Technology	\$ 10,083,900	\$ 9,660,200
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3F00	651623	Medicaid Services - Federal	\$	11,004,684,967	\$	8,661,585,383
3F00	651624	Medicaid Program Support - Federal	\$	543,733,300	\$	509,264,400
3FA0	651680	Health Care Grants - Federal	\$	3,000,000	\$	3,000,000
3G50	651655	Medicaid Interagency Pass Through	\$	241,692,200	\$	241,692,200
TOTAL FED Federal Fund Group			\$	11,803,194,367	\$	9,425,202,183
TOTAL ALL BUDGET FUND GROUPS			\$	31,243,616,301	\$	32,429,826,028

SECTION 333.20. MEDICAID HEALTH CARE SERVICES

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

SECTION 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to \$5,000,000 in appropriations in each fiscal year from appropriation item 651525, Medicaid Health Care Services, to appropriation items in the Department of Health for the purpose of lead abatement activities. The Medicaid Director may seek Controlling Board approval to transfer amounts in excess of \$5,000,000 in appropriations in each fiscal year to the Department of Health for lead abatement activities. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Amounts transferred are hereby appropriated.

SECTION 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS

The foregoing appropriation item, 651426, Positive Education Program Connections, shall be used for the Positive Education Program Connections in Cuyahoga County.

SECTION 333.40. HOSPITAL FRANCHISE FEE PROGRAM

The Director of Budget and Management may authorize additional expenditures from appropriation item 651623, Medicaid Services - Federal, appropriation item 651525, Medicaid Health Care Services, and appropriation item 651656, Medicaid Services - Hospital Franchise Fee, in order to implement the programs authorized by sections 5168.20 through 5168.28 of the Revised Code. Any amounts authorized are hereby appropriated.

SECTION 333.45. HOSPITAL FRANCHISE FEE ADDITIONAL APPROPRIATIONS

Notwithstanding section 131.35 of the Revised Code, if the Medicaid Director determines that, due to the impact of the COVID-19 public health emergency, additional appropriations are necessary in appropriation items 651656, Medicaid Services – Hospital Franchise Fee and 651623, Medicaid Services – Federal, the Medicaid Director may request Controlling Board approval to increase appropriations by up to \$400,000,000 in appropriation item 651656, Medicaid Services – Hospital Franchise Fee, and up to \$1,000,000,000 in appropriation item 651623, Medicaid Services – Federal, in each fiscal year. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

SECTION 333.50. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share of appropriations between appropriation item 651525, Medicaid Health Care Services, and appropriation item 651526, Medicare Part D. If the state share of appropriation item 651525, Medicaid Health Care Services, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly. The Department of Medicaid shall provide notification to the Controlling Board of any transfers at the next scheduled Controlling Board meeting.

SECTION 333.55. BRIGID'S PATH PILOT

The foregoing appropriation item, 651529, Brigid's Path Pilot, shall be distributed to Brigid's Path Program in Montgomery County. If the Medicaid Director files rules with the Joint Committee on Agency Rule Review to implement a mother baby dyad program under which residential pediatric recovery centers would receive reimbursement for treatment of infants with neonatal abstinence syndrome, upon the rules' effective date or as soon as possible thereafter, the Medicaid Director shall certify to the Director of Budget and Management the unexpended, unencumbered funds

from appropriation item 651529 remaining for fiscal year 2022 and fiscal year 2023. Upon certification, the Director of Budget and Management shall transfer the remaining appropriation to appropriation item 651525, Medicaid Health Care Services.

SECTION 333.57. FOOD FARMACY PILOT PROJECT

The foregoing appropriation item 651533, Food Farmacy Pilot Project, shall be distributed to the Akron Canton Regional Foodbank to provide comprehensive medical, nutrition, and lifestyle support for food-insecure patients with chronic diseases and their families.

SECTION 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM

(A) As used in this section:

(1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code.

(2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program.

(3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code.

(B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2022-2023 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers.

(D) Each participating agency shall receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. The amount of the supplemental payments shall equal the difference between the Medicaid payment rates for the services and the average commercial payment rates for the services. The Director may terminate, or adjust the amount of, the supplemental payments if the amount

of the funds available for the Care Innovation and Community Improvement Program is inadequate.

(E) Each participating agency shall jointly participate in quality improvement initiatives that align with and advance the goals of the Department of Medicaid's quality strategy required under 42. C.F.R. 438.340.

(F) The Medicaid Director shall maintain a process to evaluate the work done by participating agencies under division (E) of this section and the agencies' progress in meeting the goals of the Care Innovation and Community Improvement Program. The Director may terminate an agency's participation in the program if the Director determines that the agency is not participating as specified in division (E) of this section or making progress in meeting the program's quality improvement goals.

(G) Not later than December 31 of each year, the Medicaid Director shall submit a report to the Speaker of the House of Representatives, the President of the Senate, and the Joint Medicaid Oversight Committee, detailing the efficacy, trends, outcomes, and number of agencies enrolled in the Care Innovation and Community Improvement Program. The report also shall specify the total amount of supplemental payments made to participating agencies under division (D) of this section. All data contained within the report shall be aggregated.

(H) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care – Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (D) of this section.

SECTION 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2022 and fiscal year 2023 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$2,500,000 cash in each fiscal year into the state treasury to the credit of the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0).

SECTION 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND TREATMENT FUND

Upon the request of the Medicaid Director, and subject to the approval of the Controlling Board, the Director of Budget and Management may transfer up to \$2,000,000 cash in each fiscal year from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund (Fund 4750), used by the Department of Mental Health and Addiction Services. Any transferred funds shall be used to support Centers of Excellence and related activities. Any transferred amounts are hereby appropriated.

SECTION 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE FEE

If receipts credited to the Health Insuring Corporation Class Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal appropriation item identified by the Medicaid Director accordingly. Any authorized amounts and any corresponding federal adjustments are hereby appropriated.

SECTION 333.110. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services – Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the

amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

SECTION 333.120. REFUNDS AND RECONCILIATION FUND

If receipts credited to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

SECTION 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support – Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

SECTION 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION AND LOCAL PROGRAM SUPPORT

The Director of Budget and Management shall transfer \$2,500,000 of

state share appropriations in each fiscal year between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. In addition, upon the request of the Medicaid Director, the Director of Budget and Management may transfer up to an additional \$2,500,000 of state share appropriations in each fiscal year between appropriation items 651525 and 655522. When any transfers occur, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and the Medicaid Program Support Fund (Fund 3F01) appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

County departments of job and family services shall comply with new roles, processes, and responsibilities related to the new eligibility determination system. County departments of job and family services shall report to the Ohio Department of Job and Family Services and the Ohio Department of Medicaid, on a schedule determined by the Medicaid Director, how the funds were used.

SECTION 333.160. MEDICAID PAYMENT RATES FOR
COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(B) Subject to division (C) of this section, the Department of Medicaid

may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2022 and fiscal year 2023 that exceed the authorized rates paid for the services under the Medicare program.

(C) This section does not apply to community behavioral health services provided by any of the following:

- (1) Hospitals on an inpatient basis;
- (2) Nursing facilities;
- (3) Intermediate care facilities for individuals with intellectual disabilities.

SECTION 333.165. ADULT DAY CARE PROVIDER PAYMENT RATES

(A) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$5,000,000 in each fiscal year shall be used to increase the payment rates during fiscal year 2022 and fiscal year 2023 for the adult day care services provided by Medicaid-funded and state-funded providers under the PASSPORT program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver.

(B) The Department of Medicaid shall establish a methodology for calculating the rate increase from the funds under division (A) of this section.

SECTION 333.166. HCBS WAIVER PAYMENT RATES

(A) For fiscal year 2022, the payment rates for the services enumerated under division (C) of this section that are provided by a waiver- or state plan-funded provider under the PASSPORT program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver shall be four per cent higher than the rates in effect on June 30, 2021.

(B) For fiscal year 2023, the payment rates for the services enumerated under division (C) of this section that are provided by a waiver- or state plan-funded provider under the PASSPORT program, the Ohio Home Care waiver program, the MyCare Ohio waiver program, and the Assisted Living waiver shall be two per cent higher than the rates in effect on June 30, 2022.

(C) This section applies to the following services:

- (1) Private duty nursing;
- (2) Nursing;
- (3) Home health aide;
- (4) Personal care;
- (5) Home care attendant and homemaker;

- (6) Assisted living;
- (7) Speech therapy;
- (8) Occupational therapy;
- (9) Physical therapy.

SECTION 333.170. AREA AGENCIES ON AGING AND MEDICAID
MANAGED CARE

(A) As used in this section:

- (1) "Care management system" means the system established under section 5167.03 of the Revised Code.
- (2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.
- (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.
- (4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.

(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the FY 2022 - FY 2023 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium:

- (1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive;
- (2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions, network management and payment functions for home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive.

SECTION 333.175. OHIO INVESTS IN IMPROVEMENTS FOR
PRIORITY POPULATIONS

(A) As used in this section:

- (1) "Care management system" and "enrollee" have the same meanings

as in section 5167.01 of the Revised Code.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) There is hereby created the Ohio Invests in Improvements for Priority Populations (OIPP) Program. The program shall be a directed payment program for inpatient and outpatient hospital services provided to Medicaid care management system enrollees receiving care at state university-owned hospitals with less than three hundred inpatient beds. Participating hospitals shall receive payments directly for services provided under the program and remit to the Department of Medicaid, through intergovernmental transfer, the nonfederal share of those services. Transfers made for the program shall be deposited into the Hospital Directed Payment Program Fund. The Medicaid Director shall seek approval from the Centers for Medicare and Medicaid Services for the program in accordance with section 5162.07 of the Revised Code.

(C) The foregoing appropriation item 651694, Improvements for Priority Populations, and the corresponding federal share in appropriation item 651623, Medicaid Services – Federal, shall be used for the OIPP Program.

(D) If receipts credited to the Hospital Directed Payment Program Fund (Fund 5XY0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the appropriation in appropriation item 651623, Medicaid Services – Federal, accordingly. Any authorized amounts are hereby appropriated.

SECTION 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - OHIOMEANSJOBS COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651685, Medicaid Recoveries – Program Support, within the Department of Medicaid, and 655425, Medicaid Program Support, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651624, Medicaid Program Support - Federal, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support – Federal, within the Department of Job and Family Services. Any

transfer of funds shall be provided to the Department of Job and Family Services and shall only be used for costs related to transitioning to a new work community engagement program for the Medicaid program as prescribed by the Medicaid Director.

SECTION 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support – Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support – Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work community engagement program under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and ongoing operating expenses. The Medicaid Director shall establish criteria for distributing these funds and for county departments of job and family services to submit allowable expenses.

SECTION 333.205. MEDICAID HEALTH & HUMAN SERVICES

The Medicaid Director shall seek Controlling Board approval before any funds can be expended from appropriation item 651689, Medicaid Health & Human Services.

SECTION 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT PROGRAM

(A) As used in this section:

(1) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

(2) "Medical assistance recipient" has the same meaning as in section 5160.01 of the Revised Code.

(B) As a result of the COVID-19 public health emergency, which

created impediments to implementing the work and community engagement waiver component under section 5166.37 of the Revised Code requiring individuals to meet at least one of the enumerated requirements as a condition to enrolling in Medicaid as part of the expansion eligibility group, the Medicaid Director shall establish and implement a voluntary community engagement program in accordance with this section not later than January 1, 2022.

(C) The community engagement program shall be available to all medical assistance recipients. Participation in the program shall be voluntary.

(D) The community engagement program shall do all of the following:

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.

(E) The community engagement program shall continue through the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.

SECTION 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE

(A) Not later than sixty days after the effective date of this section, the Department of Medicaid shall submit to the United States Centers for Medicare and Medicaid Services a Medicaid state plan amendment to authorize the Department to enter into value-based purchasing supplemental rebate agreements with pharmaceutical manufacturers.

(B) The agreements authorized by the state plan amendment shall establish criteria for the payment of supplemental rebates. The Department of Medicaid shall use its best efforts to ensure that the form value-based supplemental rebate agreement submitted to the Centers for Medicare and Medicaid Services permits rebates to be calculated on many different bases at the discretion of the Department with the approval of the pharmaceutical manufacturer, including under outcome-based models, shared savings

models, subscription or modified subscription models, risk-sharing models, or guarantees. The rebates may be calculated and paid in a single year or over multiple years.

(C) Nothing in this section requires a drug manufacturer or the Department to enter into a supplemental rebate agreement under this section.

SECTION 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM

(A) As used in this section:

(1) "Care management system," "enrollee," "Medicaid managed care organization," and "provider" have the same meanings as in section 5167.01 of the Revised Code.

(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

(B) The Department of Medicaid shall establish the Medicaid Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot program shall be available to enrollees who qualify for Medicaid as part of the expansion eligibility group. The Department may expand the program based on determinations made under division (E) of this section about whether the program has met demonstrated success criteria, as established in rules authorized by division (G) of this section.

(C) The pilot program shall do all of the following:

(1) Identify eligible enrollees who are members of the expansion eligibility group to participate in the program;

(2) Provide Medicaid services to pilot program participants at a rate of 95 per cent of current Medicaid managed care organization capitation rates;

(3) Use technology to do all of the following:

(a) Utilize automation and artificial intelligence to provide Medicaid program savings by avoiding traditional cost structures;

(b) Diversify care management system programs to achieve better health outcomes at better value;

(c) Enable seamless communication between providers and care management entities under the program;

(d) Improve the Medicaid program experience for providers and enrollees.

(4) Develop and implement strategies to provide opportunities for pilot program participants to rise above the poverty level criteria for Medicaid eligibility;

(5) Enable care management entities under the program to take the risks incidental to the practice of insurance, as a health insuring corporation

licensed to do business in this state under Chapter 1751. of the Revised Code;

(6) After program implementation, include 90-day study periods to determine whether to expand, sustain, or terminate the pilot program.

(D) The Department shall contract with a care management entity to administer Medicaid benefits under the pilot program. The care management entity shall meet all of the following criteria:

(1) Be a health insuring corporation licensed to do business in this state under Chapter 1751. of the Revised Code;

(2) Be a start-up company domiciled in this state;

(3) Meet the solvency requirements for health insuring corporations under Chapter 1751. of the Revised Code.

(E) Not later than December 31, 2022, the Department shall submit a report outlining clinical outcome data and cost impacts of the pilot program. The report shall be submitted to the Speaker of the House of Representatives and the Senate President, in accordance with section 101.68 of the Revised Code, and to the members of the Joint Medicaid Oversight Committee.

(F) The Medicaid Director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement the pilot program, including the geographic areas where the program will occur, program participant eligibility requirements, and program demonstrated success criteria.

SECTION 333.240. NURSING FACILITY REBASING

(A) As used in this section, "ancillary and support costs," "capital costs," "direct care costs," "nursing facility," "provider," "rebasings," and "tax costs" have the same meanings as in section 5165.01 of the Revised Code.

(B) The Department of Medicaid shall conduct its next rebasing on the effective date of the amendments to section 5165.36 of the Revised Code by this act. That rebasing calculation shall be based on data provided by nursing facilities for calendar year 2019.

(C) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$125,000,000 in each fiscal year shall be used by the Department of Medicaid to pay for rebasing determinations of nursing facilities' Medicaid rates under this section. Notwithstanding section 5165.36 of the Revised Code or any other provision of law to the contrary, the Department shall do both of the following:

(1) From this earmark, pay for the rebasing determinations calculated under this section in the following order:

(a) Direct care costs;

(b) Ancillary and support costs;

(c) Tax costs.

(2) Prorate the rebasing determinations as needed to stay within this earmark.

(D) For state fiscal years 2022 and 2023, each nursing facility provider shall submit a report to the Department identifying the amounts spent on each cost center included in the rebasing under this section. Reports shall be submitted quarterly or at such other times as determined by the Department on a form prescribed by the Department.

(E) The Department may conduct a review of the reports required by division (D) of this section to determine whether the reported amounts comply with the requirements of that division and section 5165.36 of the Revised Code. A nursing facility provider shall reimburse to the Department any amounts, plus interest, spent on cost centers other than as permitted under division (D) of this section and section 5165.36 of the Revised Code.

(F) The Department may adopt rules authorized under section 5165.02 of the Revised Code as necessary to implement this section.

SECTION 333.245. PHARMACY SUPPLEMENTAL DISPENSING FEE

(A) Effective July 1, 2021, the Department of Medicaid shall provide a supplemental dispensing fee under the care management system to retail pharmacies during fiscal years 2022 and 2023. The supplemental dispensing fee shall have at least three different payment levels based on both of the following:

(1) The ratio of Medicaid prescriptions a pharmacy location fills compared to the total prescriptions the pharmacy location fills based on the latest available "Survey of the Average Cost of Dispensing a Medicaid Prescription in the State of Ohio" prepared for the Department of Medicaid;

(2) The number of retail pharmacy locations participating in the care management system based on Medicaid recipient enrollment in Medicaid MCO plans, as defined in section 5167.01 of the Revised Code, in a geographic area approved by the Department of Medicaid as the geographic area where the pharmacy location's customer population is located. The geographic area shall be periodically reviewed and approved by the Department.

(B) Pharmacies that have a high ratio under division (A)(1) of this section and a low number under division (A)(2) of this section shall be placed in the higher dispensing fee payment levels.

(C) The supplemental dispensing fee shall not cause a reduction in other

payments made to the pharmacy for providing prescribed drugs under the care management system.

(D) The Medicaid Director shall adjust the supplemental dispensing fees if federal Medicaid statutes or regulations adopted by the Centers for Medicare and Medicaid Services reduce the amount of federal funds the Department receives for the supplemental dispensing fee. The Department of Medicaid shall expend \$5,000,000 in fiscal year 2022 and \$10,150,000 in fiscal year 2023 in appropriation item 651639, Medicaid Services - Recoveries, along with any corresponding federal shares from appropriation item 651623, Medicaid Services - Federal, for the supplemental dispensing fees provided under this section.

(E) During fiscal years 2022 and 2023, the Director of Budget and Management may make temporary cash transfers from the General Revenue Fund to the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to ensure sufficient balances in Fund 5DL0 for making supplemental dispensing fee payments and shall replenish the General Revenue Fund for any such transfers.

SECTION 333.253. MEDICAID COVERAGE OF WOMEN POSTPARTUM

If federal law provides Medicaid coverage for a longer postpartum period than sixty days, the Director of Medicaid shall amend the state's Medicaid plan and seek any necessary waiver from the United States Centers for Medicare and Medicaid Services to provide Medicaid coverage to women postpartum beginning on the last day of the pregnancy to the maximum period permitted under 42 U.S.C. 1396a(e).

SECTION 333.255. POST-COVID MEDICAID REDETERMINATION

(A) Not later than November 1, 2021, the Department of Medicaid shall seek controlling board approval to permit the Department or the Department's designee to use third-party data sources and systems to conduct eligibility redeterminations of all Medicaid recipients in this state not later than 90 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B).

(B) To the extent permitted by state and federal law, the Department, or the Department's designee shall verify each Medicaid recipient's enrollment records against third-party data sources and systems, including all of the following:

(1) Information accessed through databases available to the Department

under 42 C.F.R. 435.948, 435.949, and 435.956, as permitted under 42 C.F.R. 435.916(a)(2);

- (2) Identity records;
- (3) Death records;
- (4) Employment and wage records;
- (5) Lottery winnings records;
- (6) Residency checks;
- (7) Household composition and asset records;

(8) Any other records the Department considers appropriate in order to strengthen program integrity, reduce costs, and reduce fraud, waste, and abuse in the Medicaid program.

(C) Within 90 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department, or the Department's designee shall conduct an expedited eligibility review of those Medicaid recipients identified as likely ineligible for the Medicaid program based on the verification conducted under division (B) of this section to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the Department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(D) Not later than six months after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department, or the Department's designee shall conduct an expedited eligibility review of those Medicaid recipients program who were newly enrolled in the Medicaid program for three or more months during the emergency period, but who were not newly enrolled during the last six months of the emergency period, to determine whether or not a recipient continues to be eligible for the Medicaid program. To the extent permitted by federal law, the Department shall disenroll those recipients who are deemed no longer eligible for the Medicaid program under the expedited eligibility review.

(E) The Department shall complete a report containing its findings from the verification conducted under division (B) of this section, including any findings of fraud, waste, or abuse in the Medicaid program. Not later than 120 days after the conclusion of the emergency period due to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the Department shall submit the report to all of the following:

- (1) The Governor;
- (2) The Lieutenant Governor;
- (3) The members of the Joint Medicaid Oversight Committee;

- (4) The Senate President;
- (5) The Speaker of the House of Representatives;
- (6) The Chairperson of the Senate Finance Committee;
- (7) The Chairperson of the House of Representatives Finance Committee;

(8) The chairperson of any other standing committees of the Senate and the House of Representatives having jurisdiction over the Department.

(F) Any third-party vendor expenses incurred from the verification required by division (B) of this section shall be entirely contingent on validated cost savings that have been realized by the Department. In no case shall vendor expenses exceed twenty per cent of those savings.

SECTION 335.10. MED STATE MEDICAL BOARD

Dedicated Purpose Fund Group

5C60 883609	Operating Expenses	\$	12,299,149	\$	12,551,618
TOTAL DPF Dedicated Purpose Fund Group		\$	12,299,149	\$	12,551,618
TOTAL ALL BUDGET FUND GROUPS		\$	12,299,149	\$	12,551,618

SECTION 335.20. OPERATING EXPENSES

Of the foregoing appropriation item 883609, Operating Expenses, up to \$5,000 in fiscal year 2022 shall be used to create a brochure or other educational materials regarding the right of conscience established in section 4743.10 of the Revised Code. Any materials developed shall be made available on the State Medical Board's web site.

SECTION 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

General Revenue Fund

GRF 336321	Central Administration	\$	17,267,311	\$	17,555,983
GRF 336402	Resident Trainees	\$	450,000	\$	450,000
GRF 336406	Prevention and Wellness	\$	4,868,659	\$	4,868,659
GRF 336412	Hospital Services	\$	256,956,156	\$	262,210,314
GRF 336415	Mental Health Facilities	\$	27,000,000	\$	27,000,000
	Lease Rental Bond Payments				
GRF 336421	Continuum of Care Services	\$	89,506,596	\$	88,914,846
GRF 336422	Criminal Justice Services	\$	19,805,937	\$	19,805,937
GRF 336423	Addiction Services	\$	33,830,547	\$	34,409,472
	Partnership with Corrections				
GRF 336424	Recovery Housing	\$	3,000,000	\$	3,000,000
GRF 336425	Specialized Docket Support	\$	10,250,000	\$	10,250,000
GRF 336504	Community Innovations	\$	15,500,000	\$	15,500,000
GRF 336506	Court Costs	\$	1,000,000	\$	1,000,000
GRF 336510	Residential State Supplement	\$	16,000,000	\$	16,000,000

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GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	1,250,000	\$	1,250,000
GRF	336516	Appalachian Children Coalition	\$	1,250,000	\$	1,250,000
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246
TOTAL GRF General Revenue Fund			\$	499,233,780	\$	505,052,457
Dedicated Purpose Fund Group						
4750	336623	Statewide Treatment and Prevention	\$	20,600,000	\$	20,600,000
4850	336632	Mental Health Operating	\$	9,000,000	\$	9,000,000
5AU0	336615	Behavioral Health Care	\$	10,010,000	\$	10,010,000
5CV1	336513	COVID Response - Mental Health	\$	7,000,000	\$	0
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000
5T90	336641	Problem Gambling Services	\$	1,820,000	\$	1,820,000
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000
5VV0	336645	Transcranial Magnetic Stimulaton Pilot	\$	6,000,000	\$	6,000,000
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000
6890	336640	Education and Conferences	\$	75,000	\$	75,000
TOTAL DPF Dedicated Purpose Fund Group			\$	77,940,000	\$	70,940,000
Internal Service Activity Fund Group						
1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000
1510	336601	Ohio Pharmacy Services	\$	99,585,489	\$	100,512,696
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000
TOTAL ISA Internal Service Activity Fund Group			\$	121,335,489	\$	122,262,696
Federal Fund Group						
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000
3A70	336612	Social Services Block Grant	\$	7,700,000	\$	7,700,000
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000
3A90	336614	Mental Health Block Grant	\$	72,883,470	\$	38,830,720
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000
3G40	336618	Substance Abuse Block Grant	\$	125,942,756	\$	85,691,166
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000
3HB1	336644	State Opioid Response	\$	110,176,079	\$	110,176,079
3N80	336639	Administrative Reimbursement	\$	1,000,000	\$	1,000,000
TOTAL FED Federal Fund Group			\$	362,202,305	\$	287,897,965
TOTAL ALL BUDGET FUND GROUPS			\$	1,060,711,574	\$	986,153,118

SECTION 337.20. PREVENTION AND WELLNESS

The foregoing appropriation item 336406, Prevention and Wellness,

shall be used as follows:

(A) Up to \$1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services.

(B) Up to \$500,000 in each fiscal year shall be used to support suicide prevention efforts.

(C) Up to \$2,250,000 in each fiscal year shall be used to increase access to early identification of behavioral health disorders.

(D) \$250,000 in each fiscal year shall be used to support the use of LifeAct's certified suicide prevention programs in middle schools and high schools.

(E) \$120,000 in each fiscal year shall be allocated to the Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention.

SECTION 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

SECTION 337.40. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment

costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts.

(E) As used in division (C) of this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$5,500,000 in each fiscal year shall be used to develop a strategic approach to strengthening cross-systems collaboration efforts to serve adults with serious mental illness who are involved in multiple behavioral health, health, human services, and criminal justice systems.

(G) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$2,500,000 in each fiscal year shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of settings.

(H) Of the foregoing appropriation item 336421, Continuum of Care Services, \$2,000,000 in each fiscal year shall be used to support new or expand existing confidential treatment and monitoring programs offered by occupational licensing boards to licensed healthcare workers with mental health or substance use disorders, including by allowing an occupational licensing board to contract with a monitoring organization to administer a confidential treatment and monitoring program, but only if the organization meets all of the following requirements:

(1) Is organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;

(2) Contracts with or employs to serve as the organization's medical director an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine or psychiatry;

(3) Contracts with or employs one or more individuals licensed under Chapter 4732., 4757., or 4758. of the Revised Code as necessary for the organization's operation.

(I) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,000,000 in each fiscal year shall be used to operate the two-year pilot program established in Section 337.205 of this act.

(J) Of the foregoing appropriation item 336421, Continuum of Care Services, \$519,514 in each fiscal year shall be provided to the Near West Side Multi-Service Corporation dba May Dugan Center.

(K) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$475,000 in each fiscal year shall be used to support the operation of a statewide, twenty-four-hour, seven-days-a-week, behavioral health support line.

(L) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,000,000 in each fiscal year shall be provided to the Bellefaire Jewish Children's Bureau to be used for unanticipated operating expenditures resulting from the COVID-19 pandemic that are not reimbursed by any other sources of state or federal funding. Expenditures may include, but are not limited to, personnel costs of health care and social workers.

(M) Of the foregoing appropriation item 336421, Continuum of Care Services, \$325,000 in each fiscal year shall be distributed to OhioGuidestone for the Adverse Childhood Experiences Pilot Project.

(N) Of the foregoing appropriation item 336421, Continuum of Care Services, \$225,000 in each fiscal year shall be distributed to LifeTown Columbus to provide additional support for facility renovations and operations, including professional development, curriculum development, educational materials, equipment, marketing, and recruitment.

(O) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in fiscal year 2022 shall be distributed to Applewood Centers, Inc. to be used for information technology operations related to telehealth and electronic health records.

(P) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be distributed to The Refuge, Inc. for facility improvements.

(Q) Of the foregoing appropriation item 336421, Continuum of Care Services, \$591,750 in fiscal year 2022 shall be distributed to the Ashland Center for Addictions Project.

SECTION 337.50. CRIMINAL JUSTICE SERVICES

Except as otherwise provided in this act, the foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may

be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

Of the foregoing appropriation item, 336422, Criminal Justice Services, up to \$3,000,000 in each fiscal year shall be allocated to the Psychotropic Drug Reimbursement Program established in section 5119.19 of the Revised Code. These funds shall only be allocated to existing programs.

On July 1, 2022, or as soon as possible thereafter, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of this earmark in fiscal year 2022. The amount certified is hereby reappropriated to the appropriation item in fiscal year 2023 for the same purpose.

Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$2,000,000 in each fiscal year shall be allocated to the reimbursement program, established in section 5119.191 of the Revised Code, for drugs used in medication-assisted treatment or drugs used in withdrawal management or detoxification.

The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

- (A) Provide forensic monitoring and tracking of individuals on conditional release;
- (B) Provide forensic training;
- (C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;
- (D) Provide specialized re-entry services to offenders leaving prisons and jails;
- (E) Provide specific grants in support of addiction services alternatives to incarceration;
- (F) Support therapeutic communities;
- (G) Support specialty dockets and expand or create new certified court programs;
- (H) Establish and administer outpatient competency restoration services.

SECTION 337.60. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS

(A) As used in this section:

- (1) "Community addiction services provider" has the same meaning as

in section 5119.01 of the Revised Code.

(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(3) "Drug used in medication-assisted treatment" means a drug approved by the United States Food and Drug Administration for use in medication-assisted treatment.

(4) "Drug used in withdrawal management or detoxification" means a drug approved by the United States Food and Drug Administration for use in, or a drug in standard use for, mitigating alcohol or opioid withdrawal symptoms or assisting with detoxification.

(5) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(6) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.

(7) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.

(8) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.

(9) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment to persons who are eligible to participate in a medication-assisted treatment drug court program and are selected under this section to be participants in a MAT drug court program because of a substance use disorder. The substance use disorder treatment provided under the Department's program may include the following:

- (a) Drugs used in medication-assisted treatment;
- (b) Services involved in providing medication-assisted treatment;
- (c) Drugs used in withdrawal management or detoxification;
- (d) Services involved in providing withdrawal management or detoxification;
- (e) Recovery supports.

(2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs.

(3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program.

(C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located.

(D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program, or unless the offender is under a community control sanction with the program's participating judge.

(2) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment provided under the Department's program in collaboration with a MAT drug court program, including any recovery supports that are provided, shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community

addiction services provider, individualized goals and objectives;

(5) Subject to division (F) of this section, provide access to both of the following drug therapies to the extent they are included in the program's substance use disorder treatment: drugs used in medication-assisted treatment and drugs used in withdrawal management or detoxification;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders;

(7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider;

(8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider.

(F) With regard to the drug therapies included in the substance use disorder treatment provided under the Department's program, both of the following apply:

(1) One or more drugs may be used, but each drug that is used must constitute either or both of the following:

(a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy;

(b) Alpha-2 agonist therapy for withdrawal management or detoxification.

(2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for program participants to have access to any drug therapy included in the substance use disorder treatment provided under the Department's program. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health care services including, but not limited to, primary health care services, alcohol and opioid detoxification services, appropriate psychosocial services, drugs used in medication-assisted treatment, and drugs used in withdrawal management or detoxification;

(4) The development of guidelines that require the provision of all treatment services, including medication, with minimal administrative barriers and within a time frame that meets the requirements of individual patient care plans.

(H) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,000,000 in each fiscal year shall be used to support the substance use disorder treatment included in the Department's program for drug court specialized docket programs and to support the administrative expenses of courts and community addiction services providers participating in the Department's program.

SECTION 337.70. RECOVERY HOUSING

The foregoing appropriation item 336424, Recovery Housing, shall be used to expand and support access to recovery housing as defined in section 340.01 of the Revised Code and in accordance with section 340.034 of the Revised Code. For expenditures that are capital in nature, the Department of Mental Health and Addiction Services shall develop procedures to administer these funds in a manner that is consistent with current community capital assistance guidelines.

SECTION 337.80. SPECIALIZED DOCKET SUPPORT

(A) Of the foregoing appropriation item 336425, Specialized Docket Support, \$250,000 in each fiscal year shall be distributed to the Participating in Victory of Transition (PIVOT) pilot program in Seneca County.

(B) The remainder of appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal

court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (C) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with treatment services and recovery supports for participants.

(C) To be eligible, the specialized docket must have received Supreme Court of Ohio initial or final certification and include participants with behavioral health needs in its target population.

(D) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department of Mental Health and Addiction Services shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(E) The Department, in consultation with the Supreme Court of Ohio, may adopt funding distribution methodology, guidelines, and procedures as necessary to carry out the purposes of this section.

SECTION 337.90. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net reduction in expenditure of state general revenue funds and/or improved outcomes for Ohio citizens without a net increase in state general revenue fund spending.

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to provide funds from this appropriation item to private not-for-profit entities in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of funds from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project,

or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$6,000,000 in each fiscal year shall be used for operating expenses that result in improved quality of life for adults with severe mental illness living in class two and class three residential facilities.

Of the foregoing appropriation item 336504, Community Innovations, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,500,000 in each fiscal year shall be used to support workforce development initiatives.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,500,000 in each fiscal year shall be used to improve behavioral health outcomes for racial and ethnic minorities.

Of the foregoing appropriation item 336504, Community Innovations, \$500,000 in each fiscal year shall be distributed to the Values-in-Action Foundation for the organization's Just Be Kind Program and Values-in-Action Workforce Training.

SECTION 337.100. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training and other supports for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

SECTION 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade

classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

SECTION 337.115. APPALACHIAN CHILDREN COALITION

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in southeast Ohio. The coalition shall use the funds as follows: \$1,000,000 in each fiscal year shall be used to provide funding for the training, hiring, and retention of entry-level child mental and behavioral health workers in school settings, and \$250,000 in each fiscal year shall be used to enhance child mental health outcomes, promote implementation of whole-child models of care, and to expand the mental health workforce in the region.

SECTION 337.120. MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

SECTION 337.125. COVID Response – Mental Health

Of the foregoing appropriation item 336513, COVID Response – Mental Health, \$5,000,000 in fiscal year 2022 shall be distributed to community behavioral health organizations certified by the Department of Mental Health and Addiction Services and used to develop and sustain workforce recruitment and retention initiatives and to offer supervision support.

SECTION 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS

(A) The foregoing appropriation item 336600, Substance Abuse Stabilization Centers, shall be used to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, substance use stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (C) of Section 337.40 of this act to establish and administer crisis stabilization centers that have

the ability to serve individuals with substance use and/or mental health needs. There shall be a minimum of one center located in each state psychiatric hospital region.

(B) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (A) of this section and division (C) of Section 337.40 of this act that meet the needs of individuals within their service districts.

(C) As used in this section, "state psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

SECTION 337.140. ADAMHS BOARDS

(A) Of the foregoing appropriation item 336643, ADAMHS Boards, \$5,000,000 in each fiscal year shall be allocated as follows:

(1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district.

(2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services.

(B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting.

(C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental Health and Addiction Services a plan for establishing and administering crisis services in conjunction with the plan submitted pursuant to division (D) of Section 337.40 and division (B) of Section 337.130 of this act.

SECTION 337.150. PROBLEM GAMBLING AND CASINO ADDICTION

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services.

SECTION 337.170. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting.

SECTION 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND

On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund.

SECTION 337.185. CASH TRANSFER FROM THE MILITARY INJURY RELIEF FUND TO THE ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC STIMULATION FUND

Notwithstanding section 5902.05 of the Revised Code, on July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,500,000 cash from the Military Injury Relief Fund (Fund 5DB0) to the Electroencephalogram (EEG) Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0).

SECTION 337.190. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM

The foregoing appropriation item 336645, Transcranial Magnetic

Stimulation Program, shall be used for the electroencephalogram (EEG) combined transcranial magnetic stimulation program as described in section 5902.09 of the Revised Code. These funds shall also be used to serve up to three hundred additional veterans and up to three hundred additional first responders and law enforcement officers.

SECTION 337.200. The two-year licensing period established by section 5119.37 of the Revised Code, as amended by this act, does not affect the scheduled expiration date of an opioid treatment program license that was issued prior to the effective date of this section. If the license is renewed, the Department of Mental Health and Addiction Services shall, except as provided in division (E)(2) of that section, renew the license for a two-year period.

SECTION 337.205. (A) As used in this section:

(1) "Controlled substance" and "schedule II" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Lockable container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Has a locking mechanism that can be unlocked in any of the following ways:

(i) Physically by using a key or other object capable of unlocking a locked container;

(ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;

(iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.

(3) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.

(4) "Tamper-evident container" means a container that meets both of the following requirements:

(a) Has special packaging;

(b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.

(5) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code.

(B)(1) Subject to division (C) of this section, the Department of Mental

Health and Addiction Services shall operate a two-year pilot program under which all schedule II controlled substances in solid oral dosage formulations are dispensed by participating pharmacies in lockable containers or tamper-evident containers. Under the pilot program, the Department shall reimburse participating pharmacies for the expenses they incur in participating in the program, including a fee determined by the Department for dispensing all schedule II controlled substances in solid oral dosage formulations in those containers.

(2) The Department shall select the pharmacies to be included in the pilot program. Any pharmacy may volunteer to participate in the pilot program by notifying the Department.

(3) In each of the pilot program's participating pharmacies, all of the following apply:

(a) A pharmacist shall dispense a schedule II controlled substance in a solid oral dosage formulation in a lockable container or tamper-evident container unless the patient or an individual acting on behalf of the patient requests that the drug not be dispensed in such a container.

(b) The expenses that the pharmacy incurs for the containers shall not be included in any amount that is to be paid by a patient, an individual acting on behalf of the patient, or a third-party payer.

(4) A pharmacist, pharmacist's delegate, or pharmacy is not liable for damages in any civil action, subject to prosecution in any criminal proceeding, or subject to professional disciplinary action for actions taken in good faith in accordance with this section, including either of the following:

(a) Disclosing information to aid a patient or an individual acting on the patient's behalf in obtaining entry into a lockable container or tamper-evident container;

(b) Dispensing a drug in a lockable container or tamper-evident container that fails to restrict unauthorized access into the container.

(5) Not later than six months after the pilot program ends, the Department shall prepare a report describing its findings regarding the impact of the program. In evaluating the pilot program's impact, the Department shall contract with a third-party research organization to assess whether a measured decrease in diversion of schedule II controlled substances occurred regarding drugs dispensed through the program as compared with those dispensed outside of the program. On completion of the report, the Department shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

(C) The pilot program shall be operated for two years or until funds appropriated for the program are expended, whichever occurs first.

(D) The Department may adopt rules to administer the pilot program. Any rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) Nothing in this section precludes a pharmacy that is not participating in the pilot program from stocking lockable containers or tamper-evident containers and offering to have drugs containing a schedule II controlled substance dispensed in those containers.

SECTION 339.10. MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF 149321	Operating Expenses	\$	733,463	\$	767,026
GRF 149501	Demonstration Grants	\$	852,606	\$	852,606
GRF 149502	Lupus Program	\$	113,680	\$	113,680
GRF 149503	Infant Mortality Health Grants	\$	3,389,967	\$	3,356,404
TOTAL GRF General Revenue Fund		\$	5,089,716	\$	5,089,716

Dedicated Purpose Fund Group

4C20 149601	Minority Health Conference	\$	35,000	\$	35,000
TOTAL DPF Dedicated Purpose Fund Group		\$	35,000	\$	35,000
TOTAL ALL BUDGET FUND GROUPS		\$	5,124,716	\$	5,124,716

SECTION 341.10. CRB MOTOR VEHICLE REPAIR BOARD

Dedicated Purpose Fund Group

4K90 865601	Operating Expenses	\$	636,389	\$	636,389
TOTAL DPF Dedicated Purpose Fund Group		\$	636,389	\$	636,389
TOTAL ALL BUDGET FUND GROUPS		\$	636,389	\$	636,389

SECTION 343.10. DNR DEPARTMENT OF NATURAL RESOURCES

General Revenue Fund

GRF 725401	Division of Wildlife-Operating Subsidy	\$	1,595,700	\$	1,595,700
GRF 725413	Parks and Recreational Facilities Lease Rental Bond Payments	\$	64,000,000	\$	76,500,000
GRF 725456	Canal Lands	\$	117,855	\$	117,855
GRF 725505	Healthy Lake Erie Program	\$	900,000	\$	900,000
GRF 725507	Coal and Mine Safety Programs	\$	2,800,000	\$	2,900,000
GRF 725903	Natural Resources General Obligation Bond Debt Service	\$	20,600,000	\$	23,000,000
GRF 727321	Division of Forestry	\$	6,965,023	\$	6,965,023
GRF 729321	Office of Information Technology	\$	181,478	\$	181,478
GRF 730321	Parks and Recreation	\$	39,829,739	\$	39,829,739
GRF 736321	Division of Engineering	\$	2,035,650	\$	2,035,650
GRF 737321	Division of Water Resources	\$	1,692,044	\$	1,692,044

GRF 738321	Office of Real Estate and Land Management	\$	728,322	\$	728,322
GRF 741321	Division of Natural Areas and Preserves	\$	3,696,134	\$	3,696,134
TOTAL GRF General Revenue Fund		\$	145,141,945	\$	160,141,945
Dedicated Purpose Fund Group					
2270 725406	Parks Projects Personnel	\$	2,009,943	\$	2,062,630
4300 725671	Canal Lands	\$	998,229	\$	1,002,531
4S90 725622	NatureWorks Personnel	\$	341,177	\$	351,329
4U60 725668	Scenic Rivers Protection	\$	100,000	\$	100,000
5090 725602	State Forest	\$	8,312,871	\$	8,312,871
5110 725646	Ohio Geological Mapping	\$	8,599,989	\$	5,799,989
5110 725679	Geographic Information System Centralized Services	\$	641,719	\$	646,449
5120 725605	State Parks Operations	\$	49,362,070	\$	35,412,070
5140 725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910
5160 725620	Water Management	\$	3,007,006	\$	3,007,006
5180 725643	Oil and Gas Regulation and Safety	\$	28,446,157	\$	29,523,770
5180 725677	Oil and Gas Well Plugging	\$	22,481,036	\$	22,849,836
5210 725627	Off-Road Vehicle Trails	\$	460,000	\$	460,000
5220 725656	Natural Areas and Preserves	\$	1,725,494	\$	1,582,122
5290 725639	Mining Regulation and Safety	\$	4,750,000	\$	4,800,000
5310 725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000
5CV1 725697	Coronavirus Relief DNR COVID Safety		2,500,000	\$	0
5EL0 725612	Wildlife Law Enforcement	\$	12,000	\$	12,000
5EM0 725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000
5HK0 725625	Ohio Nature Preserves	\$	100,000	\$	100,000
5P20 725634	Wildlife Boater Angler Administration	\$	5,000,000	\$	5,000,000
5TD0 725514	Park Maintenance	\$	1,481,150	\$	1,481,150
6150 725661	Dam Safety	\$	1,166,602	\$	1,266,602
6970 725670	Submerged Lands	\$	717,155	\$	717,155
6H20 725681	H2Ohio	\$	25,000,000	\$	25,000,000
7015 725607	Appalachian Hills	\$	28,600,000	\$	0
7015 740401	Division of Wildlife Conservation	\$	65,482,330	\$	65,482,330
7086 725414	Waterways Improvement	\$	6,193,671	\$	6,193,671
7086 739401	Watercraft Operations	\$	34,527,175	\$	34,007,086
8150 725636	Cooperative Management Projects	\$	650,000	\$	650,000
8160 725649	Wetlands Habitat	\$	2,366,885	\$	966,885
8170 725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000
8180 725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000
8190 725685	Ohio River Management	\$	150,000	\$	150,000
81B0 725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000
TOTAL DPF Dedicated Purpose Fund Group		\$	315,693,569	\$	267,448,392
Internal Service Activity Fund Group					
1550 725601	Departmental Projects	\$	1,800,392	\$	1,625,481

1550	725676	Hocking Hills State Park Lodge	\$	3,000,000	\$	3,000,000
1570	725651	Program Support	\$	21,956,264	\$	22,290,566
5100	725631	Maintenance - State-owned Residences	\$	189,611	\$	189,611
TOTAL ISA Internal Service Activity Fund Group			\$	26,946,267	\$	27,105,658
Capital Projects Fund Group						
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796
TOTAL CPF Capital Projects Fund Group			\$	301,796	\$	301,796
Fiduciary Fund Group						
4M80	725675	FOP Contract	\$	20,219	\$	20,219
TOTAL FID Fiduciary Fund Group			\$	20,219	\$	20,219
Holding Account Fund Group						
R017	725659	Performance Cash Bond Refunds	\$	554,730	\$	554,730
R043	725624	Forestry	\$	2,400,000	\$	2,400,000
TOTAL HLD Holding Account Fund Group			\$	2,954,730	\$	2,954,730
Federal Fund Group						
3320	725669	Federal Mine Safety Grant	\$	335,000	\$	335,000
3B30	725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000
3B40	725641	Federal Flood Pass-Thru	\$	125,000	\$	125,000
3B50	725645	Federal Abandoned Mine Lands	\$	13,825,000	\$	14,145,000
3B60	725653	Federal Land and Water Conservation Grants	\$	10,800,000	\$	10,800,000
3B70	725654	Reclamation - Regulatory	\$	1,800,000	\$	1,800,000
3P10	725632	Geological Survey - Federal	\$	260,000	\$	260,000
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000
3P30	725650	Coastal Management - Federal	\$	2,820,185	\$	2,820,185
3P40	725660	Federal - Soil and Water Resources	\$	251,310	\$	264,746
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	1,000,000	\$	1,000,000
3Z50	725657	Federal Recreation and Trails	\$	3,159,175	\$	3,161,429
TOTAL FED Federal Fund Group			\$	35,022,670	\$	35,358,360
TOTAL ALL BUDGET FUND GROUPS			\$	526,081,196	\$	493,331,100

SECTION 343.20. PROGRAM SUPPORT FUND

The Department of Natural Resources shall use a methodology for determining each division's payments into the Program Support Fund (Fund 1570). The methodology used shall contain the characteristics of administrative ease and uniform application in compliance with federal grant requirements. It may include direct cost charges for specific services provided. Payments to Fund 1570 shall be made using an intrastate transfer voucher.

The foregoing appropriation item 725401, Division of

Wildlife-Operating Subsidy, shall be used to pay the direct and indirect costs of the Division of Wildlife.

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 725413, Parks and Recreational Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapter 154. of the Revised Code.

HEALTHY LAKE ERIE PROGRAM

The foregoing appropriation item 725505, Healthy Lake Erie Program, shall be used by the Director of Natural Resources, in support of the following: (1) conservation measures in the Western Lake Erie Basin as determined by the Director; (2) funding assistance for soil testing, winter cover crops, edge of field testing, tributary monitoring, animal waste abatement; and (3) any additional efforts to reduce nutrient runoff as the Director may decide. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices.

COAL AND MINE SAFETY PROGRAMS

The foregoing appropriation item 725507, Coal and Mine Safety Programs, shall be used for the administration of the Mine Safety Program and the Coal Regulation Program.

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

SECTION 343.30. STATE PARK OPERATIONS

Of the foregoing appropriation item, 725605, State Park Operations, \$13,950,000 over the biennium ending June 30, 2023, shall be used to purchase the Geneva Lodge and Conference Center and pay operating costs for the facility pursuant to Section 715.20 of this act. An amount equal to \$13,950,000 less any amount used to purchase or to pay the operating costs for the Geneva Lodge and Conference Center in fiscal year 2022 is hereby

appropriated for the same purpose in fiscal year 2023.

OIL AND GAS WELL PLUGGING

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributable to the plugging of an idle or orphan well. In addition, this appropriation item shall not be used to transfer cash to any other fund or appropriation item.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

APPALACHIAN HILLS

The foregoing appropriation item 725607, Appalachian Hills, shall be used to purchase the remainder of the American Electric Power ReCreation Land in southeastern Ohio. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 725607, Appalachian Hills, at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 2270).

Expenses paid from Fund 2270 shall be reimbursed by Fund 7035 using an intrastate transfer voucher.

NATUREWORKS CAPITAL EXPENSES FUND

The Department of Natural Resources shall submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by Department of Natural Resources staff for each capital improvement project within the Ohio Parks and Natural Resources Fund (Fund 7031). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7031 appropriation item C725E5, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to \$1,600,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

SECTION 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

SECTION 345.10. NUR STATE BOARD OF NURSING

Dedicated Purpose Fund Group

4K90 884609	Operating Expenses	\$	11,378,121	\$	11,689,893
5AC0 884602	Nurse Education Grant Program	\$	1,513,000	\$	1,513,000
5P80 884601	Nursing Special Issues	\$	500	\$	500
TOTAL DPF Dedicated Purpose					
Fund Group		\$	12,891,621	\$	13,203,393
TOTAL ALL BUDGET FUND GROUPS		\$	12,891,621	\$	13,203,393

SECTION 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,

AND ATHLETIC TRAINERS BOARD

Dedicated Purpose Fund Group

4K90 890609	Operating Expenses	\$	1,168,045	\$	1,168,045
TOTAL DPF Dedicated Purpose Fund Group		\$	1,168,045	\$	1,168,045
TOTAL ALL BUDGET FUND GROUPS		\$	1,168,045	\$	1,168,045

SECTION 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY

General Revenue Fund

GRF 415402	Independent Living Council	\$	252,000	\$	252,000
GRF 415406	Assistive Technology	\$	25,819	\$	25,819
GRF 415431	Brain Injury	\$	550,000	\$	550,000
GRF 415506	Services for Individuals with Disabilities	\$	18,418,244	\$	18,418,244
GRF 415508	Services for the Deaf	\$	27,580	\$	27,580
GRF 415511	Centers for Independent Living	\$	500,000	\$	500,000
GRF 415512	Visually Impaired Reading Services	\$	50,000	\$	50,000
TOTAL GRF General Revenue Fund		\$	19,823,643	\$	19,823,643

Dedicated Purpose Fund Group

4670 415609	Business Enterprise Operating Expenses	\$	1,545,498	\$	1,555,368
4680 415618	Third Party Services Funding	\$	8,000,000	\$	8,000,000
4L10 415619	Services for Rehabilitation	\$	3,000,000	\$	3,000,000
TOTAL DPF Dedicated Purpose Fund Group		\$	12,545,498	\$	12,555,368

Internal Service Activity Fund Group

4W50 415606	Program Management	\$	15,865,315	\$	16,138,415
TOTAL ISA Internal Service Activity Fund Group		\$	15,865,315	\$	16,138,415

Federal Fund Group

3170 415620	Disability Determination	\$	84,246,693	\$	85,518,074
3790 415616	Federal - Vocational Rehabilitation	\$	129,098,355	\$	130,495,615
3GH0 415602	Personal Care Assistance	\$	3,133,972	\$	3,139,040
3GH0 415604	Community Centers for the Deaf	\$	950,000	\$	950,000
3GH0 415613	Independent Living	\$	737,411	\$	737,411
3L10 415608	Social Security Vocational Rehabilitation	\$	9,100,000	\$	9,100,000
3L40 415614	Buisness Enterprise Federal Relief	\$	1,031,161	\$	0
3L40 415615	Federal - Supported Employment	\$	850,000	\$	850,000
3L40 415617	Independent Living Older	\$	2,545,971	\$	1,733,658

Blind			
TOTAL FED Federal Fund Group	\$	231,693,563	\$ 232,523,798
TOTAL ALL BUDGET FUND GROUPS	\$	279,928,019	\$ 281,041,224

SECTION 353.20. INDEPENDENT LIVING

The foregoing appropriation item 415402, Independent Living Council, shall be used to support the state independent living programs and centers under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.

Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

The foregoing appropriation item 415511, Centers for Independent Living, shall be used to support the operations of the Centers for Independent Living in accordance with the State Plan for Independent Living.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

BRAIN INJURY

The foregoing appropriation item 415431, Brain Injury, shall be provided to The Ohio State University College of Medicine to support the Brain Injury Program established under section 3335.60 of the Revised Code.

SERVICES FOR INDIVIDUALS WITH DISABILITIES

In addition to funding the general vocational rehabilitation program, the foregoing appropriation item 415506, Services for Individuals with Disabilities, shall be used as state match to: continue partnerships with certified drug courts to expand access to employment through vocational rehabilitation services and increase employment outcomes that promote recovery and rehabilitation; continue partnerships with community colleges and state universities to ensure college students with disabilities can compete for in-demand jobs in tomorrow's labor market and increase the median earnings of individuals who obtain employment; create paid on-the-job work experiences for eligible candidates placed in state agencies to develop work skills needed to pursue permanent employment and increase the number of individuals with disabilities employed in state government; and increase access to vocational rehabilitation services for

eligible students enrolled at the Ohio State School for the Blind and the Ohio School for the Deaf that will prepare students who are blind or deaf for transition to college or employment.

SERVICES FOR THE DEAF

The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.

VISUALLY IMPAIRED READING SERVICES

The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.

SIGHT CENTERS

Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide independent living services to the community of individuals with blindness or low vision.

SECTION 361.10. PEN PENSION SUBSIDIES

General Revenue Fund

GRF 090524	Police and Fire Disability Pension Fund	\$	1,000	\$	1,000
GRF 090534	Police and Fire Ad Hoc Cost of Living	\$	22,000	\$	22,000
GRF 090554	Police and Fire Survivor Benefits	\$	201,000	\$	201,000
GRF 090575	Police and Fire Death Benefits	\$	35,000,000	\$	35,250,000
TOTAL GRF General Revenue Fund		\$	35,224,000	\$	35,474,000
TOTAL ALL BUDGET FUND GROUPS		\$	35,224,000	\$	35,474,000

SECTION 361.20. POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund, which serves as trustees of the Ohio Public Safety Officers Death Benefit Fund pursuant to section 742.62 of the Revised Code. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments

required by sections 124.824 and 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2022 or 2023, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

SECTION 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

Dedicated Purpose Fund Group			
6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$ 1,470,292 \$ 1,489,689
TOTAL DPF Dedicated Purpose Fund Group			\$ 1,470,292 \$ 1,489,689
TOTAL ALL BUDGET FUND GROUPS			\$ 1,470,292 \$ 1,489,689

SECTION 367.10. PRX STATE BOARD OF PHARMACY
Dedicated Purpose Fund Group

4A50	887605	Drug Law Enforcement	\$	50,000	\$	50,000
4K90	658605	OARRS Integration - STATE	\$	265,000	\$	265,000
4K90	887609	Operating Expenses	\$	11,750,000	\$	12,200,000
5SG0	887612	Drug Database	\$	100,000	\$	100,000
5SY0	887613	Medical Marijuana Control Program	\$	3,150,000	\$	3,250,000
TOTAL DPF Dedicated Purpose Fund Group			\$	15,315,000	\$	15,865,000
Federal Fund Group						
3HD0	887614	Pharmacy Federal Grants	\$	1,050,000	\$	1,050,000
3HH0	658601	OARRS Integration - Federal	\$	2,500,000	\$	2,500,000
3HM0	887615	Equitable Sharing Treasury	\$	5,000	\$	5,000
3HN0	887616	Equitable Sharing Justice	\$	30,000	\$	30,000
TOTAL FED Federal Fund Group			\$	3,585,000	\$	3,585,000
TOTAL ALL BUDGET FUND GROUPS			\$	18,900,000	\$	19,450,000

SECTION 369.10. PSY STATE BOARD OF PSYCHOLOGY**Dedicated Purpose Fund Group**

4K90	882609	Operating Expenses	\$	679,000	\$	696,000
TOTAL DPF Dedicated Purpose Fund Group			\$	679,000	\$	696,000
TOTAL ALL BUDGET FUND GROUPS			\$	679,000	\$	696,000

SECTION 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION**General Revenue Fund**

GRF	019401	State Legal Defense Services	\$	6,944,609	\$	7,419,884
GRF	019403	Multi-County: State Share	\$	4,881,554	\$	5,076,816
GRF	019404	Trumbull County - State Share	\$	2,063,870	\$	2,146,425
GRF	019405	Training Account	\$	50,000	\$	50,000
GRF	019501	County Reimbursement	\$	132,197,392	\$	136,138,934
TOTAL GRF General Revenue Fund			\$	146,137,425	\$	150,832,059

Dedicated Purpose Fund Group

1010	019607	Juvenile Legal Assistance	\$	205,000	\$	205,000
4060	019603	Training and Publications	\$	25,000	\$	25,000
4070	019604	County Representation	\$	285,000	\$	285,000
4080	019605	Client Payments	\$	737,389	\$	737,389
4C70	019601	Multi-County: County Share	\$	149,879	\$	272,016
4N90	019613	Gifts and Grants	\$	13,440	\$	13,440
4X70	019610	Trumbull County - County Share	\$	47,699	\$	86,568
5740	019606	Civil Legal Aid	\$	14,500,000	\$	14,500,000
5CX0	019617	Civil Case Filing Fee	\$	542,904	\$	602,904
5DY0	019618	Indigent Defense Support - County Share	\$	25,896,000	\$	27,888,000
5DY0	019619	Indigent Defense Support - State Office	\$	6,684,000	\$	6,684,000
TOTAL DPF Dedicated Purpose Fund Group			\$	49,086,311	\$	51,299,317
Federal Fund Group						
3S80	019608	Federal Representation	\$	38,315	\$	38,315

TOTAL FED Federal Fund Group	\$	38,315	\$	38,315
TOTAL ALL BUDGET FUND GROUPS	\$	195,262,051	\$	202,169,691

INDIGENT DEFENSE OFFICE

The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.

MULTI-COUNTY OFFICE

The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.

TRAINING ACCOUNT

The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost, and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

ADOPTION PROCEEDINGS

Notwithstanding any provision of law to the contrary, of the foregoing appropriation item 019501, County Reimbursement, \$3,000,000 in each fiscal year shall be used to reimburse counties for the costs and expenses of providing legal representation to indigent persons in adoption proceedings.

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740). The transferred cash shall be distributed by the Ohio Access to Justice Foundation to Ohio's civil legal aid societies as follows: \$250,000 in each fiscal year for the sole purpose of providing legal services for economically disadvantaged individuals and families seeking assistance with legal issues arising as a result of substance abuse disorders, and \$250,000 in each fiscal year for the sole purpose of providing legal services for veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to support representation provided by the Ohio Public Defender in federal court cases.

SECTION 373.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund

GRF	761403	Recovery Ohio Law Enforcement	\$	13,075,000	\$	13,155,000
GRF	763403	EMA Operating	\$	5,878,897	\$	5,868,428
GRF	763513	Security Grants	\$	4,250,000	\$	4,250,000
GRF	767420	Investigative Unit Operating	\$	14,545,000	\$	14,875,000
GRF	768425	Justice Program Services	\$	13,320,000	\$	13,350,000
GRF	769406	Homeland Security - Operating	\$	3,376,000	\$	3,455,000
GRF	769407	Youthful Driver Safety	\$	500,000	\$	500,000
GRF	769501	School Safety	\$	2,705,500	\$	2,705,500
TOTAL GRF General Revenue Fund			\$	57,650,397	\$	58,158,928

Dedicated Purpose Fund Group

4P60	768601	Justice Program Services	\$	226,500	\$	226,500
4V30	763662	EMA Service and Reimbursements	\$	915,000	\$	840,000
5330	763601	State Disaster Relief	\$	1,875,000	\$	1,875,000
5B90	766632	Private Investigator and Security Guard Provider	\$	2,035,000	\$	2,035,000
5BK0	768687	Criminal Justice Services - Operating	\$	550,000	\$	550,000
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000
5CV1	763691	Coronavirus Relief-DPS	\$	29,000,000	\$	0
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000
5RS0	768621	Community Police Relations	\$	1,150,000	\$	1,150,000
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000
6570	763652	Utility Radiological Safety	\$	1,368,624	\$	1,378,304
6810	763653	SARA Title III Hazmat Planning	\$	287,310	\$	287,994
TOTAL DPF Dedicated Purpose Fund Group			\$	45,798,380	\$	16,733,744

Federal Fund Group

3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000
3370	763609	Federal Disaster Relief	\$	69,948,672	\$	69,948,672
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000
3GT0	767691	Investigative Unit Federal Equity Share	\$	100,000	\$	100,000
3GU0	769610	Investigations Grants – Food	\$	1,400,000	\$	1,400,000

	Stamps, Liquor and Tobacco			
	Laws			
3GU0 769631	Homeland Security Disaster	\$	800,000	\$ 800,000
	Grants			
3HT0 768699	Coronavirus Emergency	\$	5,000,000	\$ 850,000
	Support Funding			
3L50 768604	Justice Program	\$	12,600,000	\$ 12,600,000
TOTAL FED	Federal Fund Group	\$	252,378,672	\$ 248,228,672
TOTAL ALL BUDGET FUND GROUPS		\$	355,827,449	\$ 323,121,344

SECTION 373.20. RECOVERY OHIO LAW ENFORCEMENT

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 in fiscal year 2023 may be used to operate and maintain a highly specialized Narcotics Intelligence Center consisting of personnel assigned to intelligence and computer forensic analysis that will assist Ohio narcotics task forces and law enforcement agencies.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to support local law enforcement narcotics task forces that focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. This earmarked amount may also be used to provide funding to local law enforcement agencies, the Commission for task force related equipment purchases, and for operating expenses of the Office of Criminal Justice Services related to the narcotics interdiction task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$2,500,000 in each fiscal year may be used by the Office of Criminal Justice Services for Ohio's narcotics task forces in order to build new and strengthen existing partnerships with local law enforcement. This earmarked amount may also be used to provide funding to local law enforcement agencies and for operating expenses of the Office of Criminal Justice Services related to the Ohio narcotics task force program.

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$600,000 in each fiscal year may be used to partner with the Office of Information Technology in the Department of Administrative Services to enhance and maintain a uniform records management and data intelligence system, and provide case management, collaboration, data sharing, and data analytics tools for Ohio narcotics task forces and law enforcement agencies.

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY

Of the foregoing appropriation item 763403, EMA Operating, \$300,000 in fiscal year 2022 shall be distributed to the Lake County Emergency Management Agency to improve wireless and microwave communication for emergency operations.

JUSTICE PROGRAM SERVICES

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$4,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to assist local communities in reducing and preventing crime through the use of promising or proven crime reduction strategies. The use of the grants includes, but is not limited to, overtime, equipment, technical assistance, and analytical support to implement crime reduction strategies. The disbursement of the grants requires approval by the Controlling Board.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$1,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to distribute grants to state and/or local law enforcement to conduct investigations on sexual assault kit testing results and related expenses.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$500,000 in each fiscal year shall be used by the Office of Criminal Justice Services to support state and local law enforcement agencies in the recruitment, hiring, and training of qualified individuals to serve as peace officers.

Of the foregoing appropriation item 768425, Justice Program Services, up to \$200,000 in each fiscal year shall be used by the Office of Criminal Justice Services to implement recommendations of the Governor's Warrant Task Force.

YOUTHFUL DRIVER SAFETY

The foregoing appropriation item 769407, Youthful Driver Safety, shall be used to enhance driver training for a statewide youthful driver safety program. The program will use best practices and technology to focus on behind-the-wheel driver training for drivers aged sixteen to twenty-four in order to reduce the number of at-fault youthful fatal car crashes.

SCHOOL SAFETY

The foregoing appropriation item 769501, School Safety, shall be used by the Department of Public Safety for the operations of the Ohio School Safety Center, including maintaining and promoting the Safer Ohio Schools Tip Line and assisting local schools and first responders in preventing, preparing for, and responding to threats and acts of violence, including self-harm, through a holistic, solutions-based approach to improving school safety.

LOCAL DISASTER ASSISTANCE

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2021 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2022.

An amount equal to the unexpended, unencumbered balance of appropriation item 763511, Local Disaster Assistance, at the end of fiscal year 2022 is hereby reappropriated for the April 17, 2018, and April 8, 2019, Major Disaster Declarations for fiscal year 2023.

STATE DISASTER RELIEF

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer \$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the State Disaster Relief Fund (Fund 5330) to be used to pay for estimated program administrative costs and Emergency Operations Center activation costs for that fiscal year.

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency recovery and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash or appropriations from Controlling Board appropriation items to cover costs incurred and to reimburse government entities for Emergency Management Assistance Compact (EMAC) missions;

(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board.

(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor.

(E) The State Disaster Relief Fund (Fund 5330) may accept, hold, administer, and expend any cash received from a gift, donation, bequest, devise, or contribution.

SECTION 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$450,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30).

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$200,000 in each fiscal year shall be distributed to the Ohio Task Force One – Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$250,000 in each fiscal year shall be distributed to the Ohio Task Force One – Urban Search and Rescue Unit to pay for its operating expenses and developing new programs.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2022 and 2023, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a public awareness campaign and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to

implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, to acquire or retain the services of a resource officer, special duty police officer, or licensed armed security guards, or for the purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism.

The Emergency Management Agency shall allow for a portion of the funds granted to acquire or retain the services of a resource officer, special duty police officer, or licensed armed security guard to be used for training, licensing, or certification of such as resource officers.

(B) The Emergency Management Agency shall administer and award the grants described in division (A) of this section. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:

(1) Identify and substantiate prior threats or attacks by a terrorist organization, network, or cell against the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel, or a credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts, and a description of how the grant will be used to address the vulnerabilities identified in the assessment.

The Agency shall consider all of the above factors in evaluating grant applications. The grantee shall have twenty-four months from the date of the first disbursement to meet program requirements.

The Emergency Management Agency may prioritize a portion of funding, but not more than \$1,000,000 in each fiscal year, for innovative community-public safety partnerships addressing counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack.

(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

(D) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

(E) As used in this section:

(1) "Eligible security improvements" means any of the following:

(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security;

(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant;

(c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes.

(2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.

(3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool.

(F) Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 763514, Security Grants – Personnel, and reestablish them against appropriation item 763513, Security Grants. The reestablished encumbrance amounts are hereby appropriated.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022.

(H) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

SECTION 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group

4A30	870614	Grade Crossing Protection Devices-State	\$	2,200,000	\$	2,200,000
4L80	870617	Pipeline Safety-State	\$	346,253	\$	346,253
5610	870606	Power Siting Board	\$	1,205,185	\$	1,205,185
5F60	870622	Utility and Railroad Regulation	\$	36,615,760	\$	36,615,760
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000
5LT0	870640	Intrastate Registration	\$	195,000	\$	195,000
5LT0	870641	Unified Carrier Registration	\$	450,000	\$	450,000
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	299,942	\$	299,942
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	1,165,000	\$	1,165,000
5LT0	870645	Motor Carrier Enforcement	\$	4,919,696	\$	4,919,696
5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000
TOTAL DPF Dedicated Purpose Fund Group			\$	50,847,836	\$	50,847,836
Federal Fund Group						
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959

3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069
3500	870648	Motor Carrier Administration	\$	450,000	\$	450,000
		High Priority Activities Grants and Cooperative Agreements				
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	21,000	\$	0
TOTAL FED Federal Fund Group			\$	11,951,028	\$	11,930,028
TOTAL ALL BUDGET FUND GROUPS			\$	62,798,864	\$	62,777,864

SECTION 377.10. PWC PUBLIC WORKS COMMISSION

General Revenue Fund

GRF	150904	Conservation General Obligation Bond Debt Service	\$	50,500,000	\$	53,500,000
GRF	150907	Infrastructure Improvement General Obligation Bond Debt Service	\$	246,500,000	\$	237,000,000
TOTAL GRF General Revenue Fund			\$	297,000,000	\$	290,500,000

Capital Projects Fund Group

7038	150321	State Capital Improvements Program – Operating Expenses	\$	937,244	\$	946,036
7056	150403	Clean Ohio Conservation Operating	\$	304,822	\$	307,922
TOTAL CPF Capital Projects Fund Group			\$	1,242,066	\$	1,253,958
TOTAL ALL BUDGET FUND GROUPS			\$	298,242,066	\$	291,753,958

SECTION 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150904, Conservation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.09 of the Revised Code.

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 150907, Infrastructure Improvement General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under sections 151.01 and 151.08 of the Revised Code.

CLEAN OHIO CONSERVATION OPERATING

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in

administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District Administration Costs Program without the approval of those costs by the district public works committee under section 164.04 of the Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program for districts represented by natural resource assistance councils. This program shall be funded from proceeds of the Clean Ohio Conservation Fund. The program shall be used by natural resource assistance councils in order to provide for administration costs of the nineteen natural resource assistance councils for the direct costs of council administration. Councils choosing to participate in this program may be eligible for up to \$15,000 per fiscal year from its district allocation as provided in section 164.27 of the Revised Code.

The Director shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs.

SECTION 379.10. RAC STATE RACING COMMISSION

Dedicated Purpose Fund Group

5620	875601	Thoroughbred Development	\$	1,200,000	\$	1,200,000
5630	875602	Standardbred Development	\$	1,550,000	\$	1,550,000
5650	875604	Racing Commission	\$	4,070,948	\$	4,070,948
		Operating				
5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095
		Development-Casino				
5NL0	875611	Revenue Redistribution	\$	8,200,000	\$	8,200,000
TOTAL DPF Dedicated Purpose Fund Group			\$	23,533,043	\$	23,533,043

Fiduciary Fund Group

5C40	875607	Simulcast Horse Racing Purse	\$	7,000,000	\$	7,000,000
TOTAL FID Fiduciary Fund Group			\$	7,000,000	\$	7,000,000

Holding Account Fund Group

R021	875605	Bond Reimbursements	\$	100,000	\$	100,000
TOTAL HLD Holding Account Fund Group			\$	100,000	\$	100,000
TOTAL ALL BUDGET FUND GROUPS			\$	30,633,043	\$	30,633,043

SECTION 381.10. BOR DEPARTMENT OF HIGHER EDUCATION

General Revenue Fund

GRF 235321	Operating Expenses	\$	5,742,147	\$	5,914,411
GRF 235402	Sea Grants	\$	299,250	\$	299,250
GRF 235406	Articulation and Transfer	\$	1,818,947	\$	1,873,515
GRF 235408	Midwest Higher Education Compact	\$	116,725	\$	118,476
GRF 235414	Grants and Scholarship Administration	\$	850,729	\$	876,251
GRF 235417	Technology Maintenance and Operations	\$	3,530,641	\$	3,636,561
GRF 235428	Appalachian New Economy Workforce Partnership	\$	4,041,600	\$	4,041,600
GRF 235438	Choose Ohio First Scholarship	\$	25,000,000	\$	28,000,000
GRF 235443	Adult Basic and Literacy Education - State	\$	7,083,344	\$	7,083,344
GRF 235444	Ohio Technical Centers	\$	21,310,120	\$	21,810,120
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000
GRF 235492	Campus Safety and Training	\$	612,000	\$	630,360
GRF 235495	Northeast Ohio Medical University Dental School	\$	0	\$	1,000,000
GRF 235501	State Share of Instruction	\$	2,056,678,116	\$	2,075,761,402
GRF 235504	War Orphans and Severely Disabled Veterans' Children	\$	14,000,000	\$	15,500,000

	Scholarships			
GRF 235507	OhioLINK	\$	5,654,164	\$ 5,752,427
GRF 235508	Air Force Institute of Technology	\$	1,824,219	\$ 1,863,387
GRF 235510	Ohio Supercomputer Center	\$	4,294,160	\$ 4,422,984
GRF 235511	The Ohio State University Extension Service	\$	24,563,453	\$ 24,761,619
GRF 235514	Central State Supplement	\$	11,551,202	\$ 11,685,515
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$ 2,038,940
GRF 235519	Family Practice	\$	3,007,876	\$ 3,007,876
GRF 235520	Shawnee State Supplement	\$	4,636,500	\$ 5,409,250
GRF 235525	Geriatric Medicine	\$	496,043	\$ 496,043
GRF 235526	Primary Care Residencies	\$	1,425,000	\$ 1,425,000
GRF 235533	Program and Project Support	\$	1,540,925	\$ 853,000
GRF 235535	Ohio Agricultural Research and Development Center	\$	35,785,072	\$ 36,086,454
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$ 9,185,494
GRF 235537	University of Cincinnati Clinical Teaching	\$	8,334,944	\$ 8,334,944
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$ 5,888,670
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$ 2,860,830
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$ 2,765,651
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$ 2,844,469
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	450,000	\$ 500,000
GRF 235546	Central State Agricultural Research and Development	\$	4,883,340	\$ 4,883,340
GRF 235548	Central State Cooperative Extension Services	\$	5,084,568	\$ 5,084,568
GRF 235552	Capital Component	\$	1,584,491	\$ 1,584,491
GRF 235555	Library Depositories	\$	1,310,702	\$ 1,326,762
GRF 235556	Ohio Academic Resources Network	\$	2,915,605	\$ 2,978,512
GRF 235558	Long-term Care Research	\$	309,035	\$ 309,035
GRF 235563	Ohio College Opportunity Grant	\$	106,756,352	\$ 112,500,000
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	4,000,000	\$ 5,000,000
GRF 235572	The Ohio State University Clinic Support	\$	728,206	\$ 728,206
GRF 235578	Federal Research Network	\$	4,950,000	\$ 4,950,000
GRF 235591	Co-Op Internship Program	\$	890,000	\$ 890,000
GRF 235595	Commercial Truck Driver Student Aid Program	\$	2,500,000	\$ 2,500,000
GRF 235598	Rural University Program	\$	400,000	\$ 400,000
GRF 235599	National Guard Scholarship	\$	19,000,000	\$ 19,000,000

		Program			
GRF 235909		Higher Education General Obligation Bond Debt Service	\$	331,000,000	\$ 301,000,000
TOTAL GRF General Revenue Fund			\$	2,757,416,530	\$ 2,760,735,757
Dedicated Purpose Fund Group					
2200	235614	Program Approval and Reauthorization	\$	800,485	\$ 825,000
4560	235603	Sales and Services	\$	199,250	\$ 199,250
4E80	235602	Higher Educational Facility Commission Administration	\$	63,000	\$ 65,000
5D40	235675	Conference/Special Purposes	\$	1,000,000	\$ 1,000,000
5FR0	235650	State and Non-Federal Grants and Award	\$	1,402,150	\$ 1,402,150
5JC0	235649	MAGNET Apprenticeship Program	\$	200,000	\$ 200,000
5NH0	235517	Short-Term Certificates	\$	3,500,000	\$ 3,500,000
5P30	235663	Variable Savings Plan	\$	8,049,501	\$ 8,159,165
5RA0	235616	Workforce and Higher Education Programs	\$	1,000,000	\$ 1,000,000
5UK0	235594	OhioCorps Program	\$	150,000	\$ 0
5YD0	235494	Second Chance Grant Pilot Program	\$	3,000,000	\$ 0
6450	235664	Guaranteed Savings Plan	\$	1,035,116	\$ 1,047,209
6820	235606	Nursing Loan Program	\$	1,116,842	\$ 1,116,842
TOTAL DPF Dedicated Purpose Fund Group			\$	21,516,344	\$ 18,514,616
Bond Research and Development Fund Group					
7011	235634	Research Incentive Third Frontier	\$	5,000,000	\$ 5,000,000
7014	235639	Research Incentive Third Frontier - Tax	\$	3,000,000	\$ 3,000,000
TOTAL BRD Bond Research and Development Fund Group			\$	8,000,000	\$ 8,000,000
Federal Fund Group					
3120	235577	Education, Research, Development, and Dissemination	\$	25,691	\$ 25,691
3120	235611	Gear-up Grant	\$	2,000,000	\$ 2,000,000
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$ 1,350,000
3120	235641	Adult Basic and Literacy Education - Federal	\$	17,600,000	\$ 17,600,000
3BG0	235651	Gear Up Grant Scholarships	\$	1,750,000	\$ 1,750,000
3N60	235658	John R. Justice Student Loan Repayment Program	\$	70,000	\$ 70,000
TOTAL FED Federal Fund Group			\$	22,795,691	\$ 22,795,691
TOTAL ALL BUDGET FUND GROUPS			\$	2,809,728,565	\$ 2,810,046,064

SECTION 381.20. SEA GRANTS

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State

University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

SECTION 381.30. ARTICULATION AND TRANSFER

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Network Advisory Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code.

SECTION 381.40. MIDWEST HIGHER EDUCATION COMPACT

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

SECTION 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

SECTION 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other strategic priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, \$150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support services to former foster youth attending college.

SECTION 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP

Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.

The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

SECTION 381.80. CHOOSE OHIO FIRST SCHOLARSHIP

The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.

During each fiscal year, the Chancellor of Higher Education, as soon as

possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0).

SECTION 381.90. ASPIRE

The foregoing appropriation item 235443, Adult Basic and Literacy Education - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort requirements for the state-administered grant program.

SECTION 381.100. OHIO TECHNICAL CENTERS FUNDING

The foregoing appropriation item 235444, Ohio Technical Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education. The Chancellor shall provide coordination for Ohio Technical Centers through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical

Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, 50 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to 2.38 per cent in each fiscal year may be distributed by the Chancellor to the Ohio Central School System, up to \$48,000 in each fiscal year may be utilized for assistance for Ohio Technical Centers, and up to \$3,000,000 in each fiscal year may be distributed by the Chancellor to Ohio Technical Centers that provide customized training and business consultation services with matching local dollars, with preference to industries on the in-demand jobs list created under section 6301.11 of the Revised Code, industries in regionally emerging fields, or local businesses and industries. Each center meeting this requirement shall receive at least \$25,000 but not more than a maximum amount determined by the Chancellor.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) In each fiscal year, no Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 50 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.

(2) In order to ensure that no Center receives less than the amounts identified for each fiscal year in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.

SECTION 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM SUPPORT

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.

SECTION 381.120. CAMPUS SAFETY AND TRAINING

The foregoing appropriation item 235492, Campus Safety and Training, shall be used by the Chancellor of Higher Education for the purpose of developing model best practices for preventing and responding to sexual violence on campus. The Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to sexual violence and protecting students and staff who are victims of sexual violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus sexual violence.

NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL

The foregoing appropriation item 235495, Northeast Ohio Medical University Dental School, shall be distributed to Northeast Ohio Medical University to support the creation of its dental school, which shall meet all

of the accreditation standards of the Commission on Dental Accreditation to train dental students and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Prior to the distribution of funds from the foregoing appropriation item 235495, Northeast Ohio Medical University Dental School, the Northeast Ohio Medical University shall submit a plan describing the creation of its dental school to the Chancellor of Higher Education. If, after reviewing the plan, the Chancellor approves it, the Chancellor shall seek Controlling Board approval to disburse the funds. Northeast Ohio Medical University shall match any moneys it receives from the state and report to the Chancellor of Higher Education how it is using moneys it received from the foregoing appropriation item 235495, Northeast Ohio Medical University Dental School.

SECTION 381.140. STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation item 235501, State Share of Instruction, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2023, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students for state subsidy instructional cost purposes, the Chancellor shall exclude all undergraduate students who are not residents of Ohio or who do not meet the definition of residency for state subsidy and tuition surcharge purposes, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code.

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT

For purposes of calculating state share of instruction allocations, the total instructional costs per full-time equivalent student shall be:

Model	Fiscal Year 2022	Fiscal Year 2023
ARTS AND	\$9,482	\$9,663

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HUMANITIES 1 ARTS AND	\$13,675	\$13,936
HUMANITIES 2 ARTS AND	\$16,402	\$16,715
HUMANITIES 3 ARTS AND	\$24,051	\$24,511
HUMANITIES 4 ARTS AND	\$42,322	\$43,131
HUMANITIES 5 ARTS AND	\$40,174	\$40,942
HUMANITIES 6 BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,053	\$36,742
DOCTORAL 1	\$49,062	\$50,000
DOCTORAL 2	\$53,655	\$54,681
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251
SCIENCE,	\$11,912	\$12,139

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TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 2
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 3
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 4
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 5
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 6
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 7
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 8
SCIENCE,
TECHNOLOGY,
ENGINEERING,
MATHEMATICS,
MEDICINE 9

\$13,624

\$13,884

\$15,737

\$16,038

\$19,380

\$19,750

\$21,044

\$21,446

\$25,629

\$26,119

\$40,444

\$41,217

\$54,427

\$55,467

Doctoral I and Doctoral II models shall be allocated in accordance with

division (D)(2) of this section.

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section.

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below:

Model	Fiscal Year 2022	Fiscal Year 2023
ARTS AND HUMANITIES 1	1.0000	1.0000
ARTS AND HUMANITIES 2	1.0000	1.0000
ARTS AND HUMANITIES 3	1.0000	1.0000
ARTS AND HUMANITIES 4	1.0000	1.0000
ARTS AND HUMANITIES 5	1.0425	1.0425
ARTS AND HUMANITIES 6	1.0425	1.0425
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0425	1.0425
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425

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EDUCATION & SOCIAL SCIENCES 6 BUSINESS,	1.0425	1.0425
EDUCATION & SOCIAL SCIENCES 7 DOCTORAL 1	1.0000	1.0000
DOCTORAL 2	1.0000	1.0000
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
SCIENCE, TECHNOLOGY, ENGINEERING,	1.4380	1.4380

MATHEMATICS, MEDICINE 7		
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of associate, baccalaureate, master's, and professional level degree attainment.

The degree attainment funding shall be allocated to universities in proportion to each campus's share of the total statewide degrees granted, weighted by the cost of the degree programs. The degree cost calculations shall include the model cost weights for the science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

For degrees including credits earned at multiple institutions, degree attainment funding shall be allocated to universities in proportion to each campus's share of the student-specific cost of earned credits for the degree. Each institution shall receive its prorated share of degree funding for credits earned at that institution. Cost of credits not earned at a university main or regional campus shall be credited to the degree-granting institution for the first degree earned by a student at each degree level. The cost credited to the degree-granting institution shall not be eligible for at-risk weights and shall be limited to 12.5 per cent of the student-specific degree costs. However, the 12.5 per cent limitation shall not apply if the student transferred 12 or fewer credits into the degree granting institution.

In calculating the subsidy entitlements for degree attainment for universities, the Chancellor shall use the following count of degrees and

degree costs:

(a) The subsidy eligible undergraduate degrees shall be defined as follows:

(i) The subsidy eligible degrees conferred to students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, financial status, or first generation post-secondary status based on neither

parent completing any education beyond high school, shall be defined as degrees earned by an at-risk student and shall be weighted by the following:

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the Chancellor shall use the three-year average doctoral degrees awarded for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor.

(c) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of research grant activity. Funding for this component shall be allocated to eligible universities in proportion to their share of research grant activity published by the National Science Foundation. Grant awards from the Department of Health and Human Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 6.41 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs as calculated in division (A) of this section.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or financial status shall have their eligible completions weighted by the following:

(i) Institution-specific course completion indexes, where the indexes are calculated based upon the number of at-risk students enrolled during the 2018-2020 academic years; and

(ii) A statewide average at-risk course completion weight determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying

the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for course completions for the three year period ending in the prior year for students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible course completions

weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each subsidy-eligible student that successfully:

(a) Completes a college-level math course within the first 30 hours of completed coursework.

(b) Completes a college-level English course within the first 30 hours of completed coursework.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023," in each fiscal year shall be reserved for completion milestones.

Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file.

(b) The subsidy eligible completion milestones by model shall equal only those students who successfully complete an associate degree or technical certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework as defined and reported in the Higher Education Information (HEI) system. Student completions reported in HEI shall have an accompanying course enrollment record in order to be subsidy eligible.

(c) Those students with successful completions for associate degrees, technical certificates over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours of college-level coursework, identified in division (E)(3) of this section, that are defined as access students based on financial status, minority status, age, or academic under-preparation shall have their eligible completions weighted by a statewide access weight. The weight shall be 25 per cent for students with one access factor, 66 per cent for students with two access factors, 150 per cent for students with three access factors, and 200 per cent for students with four access factors.

(d) For those students who complete more than one completion milestone, funding for each additional associate degree or technical certificate over 30 credit hours designated as such by the Department of Higher Education shall be funded at 50 per cent of the model costs as defined in division (E)(3) of this section.

(5) For purposes of the calculations made in division (E) of this section, the Chancellor shall only include subsidy-eligible students identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file. The Chancellor shall be prohibited from including nonresident students as subsidy-eligible except for those students otherwise identified as subsidy-eligible in division (A)(2) of this section.

(F) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in H.B. 16 of the 126th General Assembly, H.B. 699 of

the 126th General Assembly, H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235552, Capital Component, in each fiscal year.

(G) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Chancellor of Higher Education to state colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year may be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year may be based on the final data from the Chancellor. If agreed to by the Chancellor and the Inter-University Council, payments to universities in each month of a fiscal year shall be based on final data in the higher education information system for the selected three-year period that is acceptable to both parties.

(J) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education, with the assistance of the Inter-University Council and the Ohio Association of Community Colleges, shall study the most appropriate definitions of at-risk students and formula weights for at-risk students that may be used in the distribution to

universities and community colleges from the foregoing appropriation item 235501, State Share of Instruction, beginning in fiscal year 2024. The study shall do all of the following:

(1) Examine and evaluate the impact on formula distributions of the at-risk weights that have been used in the state share of instruction formulas since the inception of a performance-based funding model in Ohio, including the overall level of at-risk funding, the distribution of such funding among the state institutions of higher education, and the impact of such funding on institutional outcomes such as course completion and degree or certificate completion;

(2) Research the use of at-risk weights in the funding formulas of other states;

(3) Survey the academic research on at-risk weights in higher education allocation formulas, particularly in the context of performance-based funding;

(4) Make recommendations on the definitions of at-risk students, the funding formula weights for such identified students, and the level of funding for at-risk students. The recommendations should have as their objectives fairness, simplicity, transparency, and the provision of sufficient incentives to increase the course completion and degree completion of at-risk students in state institutions of higher education. Separate definitions and weighting schemes may be considered within each sector's share of the foregoing appropriation item 235501, State Share of Instruction.

The study shall be completed by June 30, 2022.

SECTION 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2022 AND 2023

(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."

(1) Of the foregoing appropriation item 235501, State Share of Instruction, \$474,064,305 in fiscal year 2022 and \$478,463,002 in fiscal year 2023 shall be distributed to state-supported community colleges, state community colleges, and technical colleges.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,582,613,811 in fiscal year 2022 and \$1,597,298,400 in fiscal year 2023 shall be distributed to state-supported university main and regional campuses.

(B) Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year

may be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students.

SECTION 381.160. RESTRICTION ON FEE INCREASES

(A) In fiscal years 2022 and 2023, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees.

(1) For the 2021-2022 and 2022-2023 academic years, all of the following shall apply:

(a) Each state university or college, as defined in section 3345.12 of the Revised Code and university branch established under Chapter 3355. of the Revised Code shall not increase its in-state undergraduate instructional and general fees by more than two per cent over what the institution charged for the previous academic year.

(b) Each community college established under Chapter 3354., state community college established under Chapter 3358., or technical college established under Chapter 3357. of the Revised Code may increase its in-state undergraduate instructional and general fees by not more than five dollars per credit hour over what the institution charged for the previous academic year.

(c) For state institutions of higher education, as defined in section 3345.011 of the Revised Code, increases for all other special fees, including the creation of new special fees, shall be subject to the approval of the Chancellor of Higher Education.

(2) The limitations under division (A)(1) of this section do not apply to student health insurance, fees for auxiliary goods or services provided to students at the cost incurred to the institution, fees assessed to students as a pass-through for licensure and certification examinations, fees in elective courses associated with travel experiences, elective service charges, fines, and voluntary sales transactions.

(B) The limitations under this section shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor.

(C) Institutions offering an undergraduate tuition guarantee pursuant to section 3345.48 of the Revised Code may increase instructional and general fees pursuant to that section.

SECTION 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work

week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of Higher Education.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

SECTION 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' CHILDREN SCHOLARSHIPS

The foregoing appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships, shall be used to reimburse state institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Chancellor of Higher Education under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

SECTION 381.200. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by

the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

SECTION 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY

Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to: (A) strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and (B) support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

SECTION 381.220. OHIO SUPERCOMPUTER CENTER

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate.

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

SECTION 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE

The foregoing appropriation item 235511, The Ohio State University

Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

SECTION 381.240. CENTRAL STATE SUPPLEMENT

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

SECTION 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

SECTION 381.260. FAMILY PRACTICE

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice.

SECTION 381.270. SHAWNEE STATE SUPPLEMENT

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

SECTION 381.280. GERIATRIC MEDICINE

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines.

SECTION 381.285. PRIMARY CARE RESIDENCIES

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field.

SECTION 381.287. PROGRAM AND PROJECT SUPPORT

Of the foregoing appropriation item 235533, Program and Project Support, \$500,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

Of the foregoing appropriation item 235533, Program and Project Support, \$487,925 in fiscal year 2022 shall be allocated to support the Ashland University Military and Veterans Resource Center Project.

Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in fiscal year 2022 shall be allocated to Youngstown State University to provide for initial staffing of the Mahoning Valley Workforce Partnership.

Of the foregoing appropriation item 235533, Program and Project Support, \$125,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of an unmanned aviation STEM pilot program at Emmanuel Christian Academy for public and nonpublic high school students in Clark County.

Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program.

Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be used to support the Clearance Ready Program at Wright State University.

Of the foregoing appropriation item 235533, Program and Project Support, \$28,000 in each fiscal year shall be allocated to support Cincinnati Hillel at the University of Cincinnati.

SECTION 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless

otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

SECTION 381.300. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

Of the foregoing appropriation item 235537, University of Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall be provided to People Working Cooperatively for the Safe and Healthy at Home Initiative. The funds shall be used to make critical home modifications and emergency repairs for low-income and elderly homeowners and for health care and housing partnerships to address chronic housing related health care issues.

SECTION 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT

The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

SECTION 381.320. CAPITAL COMPONENT

The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in H.B. 748 of

the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

Any campus for which the estimated campus debt service attributable to qualifying capital projects is greater than the campus's formula-determined capital component allocation shall have the difference subtracted from its State Share of Instruction allocation in each fiscal year. Appropriation equal to the sum of all such amounts shall be transferred from appropriation item 235501, State Share of Instruction, to appropriation item 235552, Capital Component.

SECTION 381.330. LIBRARY DEPOSITORIES

The foregoing appropriation item 235555, Library Depositories, shall be distributed to the state's five regional depository libraries for the cost-effective storage of and access to lesser-used materials in university library collections. The depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

SECTION 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic development.

SECTION 381.350. LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

SECTION 381.360. OHIO COLLEGE OPPORTUNITY GRANT

(A)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;

(ii) Eligible private nonprofit institutions of higher education;

(iii) Eligible private for-profit career colleges and schools.

(2) Awards for students attending an eligible institution shall be determined by the Chancellor.

For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.

(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2022 and fiscal year 2023 based on the formula used in fiscal year 2021, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year.

(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute

or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(C) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (A) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(D) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(E) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

SECTION 381.365. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations.

SECTION 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

SECTION 381.373. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research Network, shall be allocated to The Ohio State University to collaborate with federal

installations in Ohio, state institutions of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235578, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

SECTION 381.375. CO-OP INTERNSHIP PROGRAM

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$165,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$150,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and participate in the internship program of The Washington Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Model United Nations Program and the operations of the Center for Liberal Arts Student Success at Wright State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$62,500 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$62,500 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of

Cincinnati Internship Program.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$25,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used to provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as grants pursuant to section 3333.125 of the Revised Code.

Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as loans pursuant to section 3333.125 of the Revised Code.

SECTION 381.376. RURAL UNIVERSITY PROGRAM

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$100,000 in each fiscal year to support their respective programs.

SECTION 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

SECTION 381.390. PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2023, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section or to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

SECTION 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 235909, Higher Education General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, for obligations issued under sections 151.01 and 151.04 of the Revised Code.

SECTION 381.410. SALES AND SERVICES

The Chancellor of Higher Education is authorized to charge and accept payment for the provision of goods and services. Such charges shall be reasonably related to the cost of producing the goods and services. Except as otherwise provided by law, no charges may be levied for goods or services that are produced as part of the routine responsibilities or duties of the Chancellor. All revenues received by the Chancellor shall be deposited into Fund 4560, and may be used by the Chancellor to pay for the costs of producing the goods and services.

SECTION 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION ADMINISTRATION

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission Administration, in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

SECTION 381.430. MAGNET APPRENTICESHIP PROGRAM

The foregoing appropriation item 235649, MAGNET Apprenticeship Program, shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding.

SECTION 381.440. SHORT-TERM CERTIFICATES

The foregoing appropriation item 235517, Short-Term Certificates, shall be used by the Chancellor of Higher Education to award need-based financial aid to students who are enrolled in a state-supported community college, state community college, technical college, or an Ohio Technical Center in a program that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded in an in-demand job.

SECTION 381.450. WORKFORCE AND HIGHER EDUCATION PROGRAMS

(A) The foregoing appropriation item 235616, Workforce and Higher Education Programs, shall be distributed by the Chancellor of Higher Education to the Ohio Academy of Science, in collaboration with

Entrepreneurial Engagement Ohio, for the continuing development and implementation of recommendations of the Ohio Board of Regents that seek to create an innovation pathway between Ohio's K-12 education system and Ohio's colleges and universities and post-secondary career centers and vocational schools. The purpose of this program is to help create a "Culture of Innovation" in Ohio high schools, junior high schools, and middle schools, to encourage students to continue their educations and careers in Ohio, to provide college scholarships to encourage Ohio's most innovative and entrepreneurial high school students to remain in Ohio by focusing on the practical application of science, technology, engineering, and mathematics and related fields, and to prepare students for the future through the development of an entrepreneurial mindset and critical thinking skills that will be needed in the future by Ohio's workforce and job creators, especially as Ohio emerges from the COVID-19 pandemic and seeks to rebuild the economy.

(B) The STEM Entrepreneurship and Innovation Program for Students to Help Develop Ohio's Future Workforce shall include:

(1) A comprehensive professional development program for teachers in grades 7-12 to help them develop a 'Culture of Innovation' in their schools;

(2) In-school STEM Innovation and Entrepreneurship programs and STEM Commercialization Plan and STEM Business Plan competitions for students in grades 7-12 that include student incentive awards for competition winners and related curriculum, content, and other program support to teachers and students;

(3) Mentoring programs in collaboration with Ohio colleges and universities and other innovation or entrepreneurship organizations, with a special emphasis on underserved urban and rural schools;

(4) A statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, post-secondary career center, or vocational school;

(5) A statewide STEM Scholarship Program that recognizes students in grades 11 and 12 in each Ohio Senate and Ohio House of Representatives District for their contributions to STEM innovation and entrepreneurship. Scholarships of up to \$2,500 shall be awarded to students to be used at any Ohio college, university, post-secondary career center, or vocational school. The program shall also introduce participating students to the Department of Higher Education's Choose Ohio First Scholarship Program.

(C) All aspects of the STEM Entrepreneurship and Innovation Program for Students to Help Develop Ohio's Future Workforce shall be open to any

Ohio high school, junior high school, and middle school student, with an emphasis on minority, rural and economically disadvantaged students.

(D) The STEM Entrepreneurship and Innovation Program for Students to Help Develop Ohio's Future Workforce shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

SECTION 381.460. OHIOCORPS PROGRAM

Of the foregoing appropriation item 235594, OhioCorps Program, up to \$50,000 in fiscal year 2022 shall be used by the Chancellor of Higher Education to implement and administer the OhioCorps Program pursuant to sections 3333.80 to 3333.802 of the Revised Code.

The remainder of the foregoing appropriation item 235594, OhioCorps Program, shall be used by the Chancellor of Higher Education to assist eligible state institutions of higher education, as defined in division (A)(4) of section 3333.80 of the Revised Code, in establishing and administering OhioCorps mentorship programs and scholarships under sections 3333.80 and 3333.801 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Chancellor of Higher Education may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 235594, OhioCorps Program, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022 for purposes of providing funds to support mentorship programs and scholarships under the OhioCorps Program.

The OhioCorps Program established under sections 3333.80 to 3333.802 of the Revised Code shall be prohibited from adding new students after the 2020-2021 academic year and shall cease to exist at the conclusion of the 2021-2022 academic year. Notwithstanding sections 3333.80 to 3333.802 of the Revised Code, each student that is otherwise eligible to receive a scholarship under the OhioCorp Program established under those sections shall receive \$1,000 upon conclusion of the 2021-2022 academic year.

SECTION 381.470. STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director

of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

SECTION 381.480. SECOND CHANCE GRANT PILOT PROGRAM

The foregoing appropriation item 235494, Second Chance Grant Pilot Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Pilot Program.

NURSING LOAN PROGRAM

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

SECTION 381.520. RESEARCH INCENTIVE THIRD FRONTIER

The foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier-Tax, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation items 235634, Research Incentive Third Frontier, and 235639, Research Incentive Third Frontier - Tax, up to \$2,500,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$1,500,000 in each fiscal year may be allocated for spinal cord research, up to \$1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, up to \$300,000 in each fiscal year may be allocated toward the I-Corps@Ohio program, and up to \$200,000 in each fiscal year may be allocated toward the Ohio Innovation Exchange program.

SECTION 381.530. VETERANS PREFERENCES

The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the

institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

SECTION 381.540. (A) As used in this section:

(1) "Board of trustees" includes the managing authority of a university branch district.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

SECTION 381.550. EFFICIENCY REPORTS

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS

For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.

SECTION 381.580. The Chancellor of Higher Education shall support the continued development of the Ohio Innovation Exchange for the purpose of showcasing the research expertise of Ohio's university and college faculty in a variety of fields, including, but not limited to, engineering, biomedicine,

and information technology, and to identify institutional research equipment available in the state.

SECTION 381.620. FUND NAME CHANGES

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall rename the Publications Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid Reconciliation Fund (Fund 5Y50).

SECTION 381.630. (A) The Task Force to evaluate current operational structures and procedures at Wright State University's Lake Campus is hereby created.

(B) The task force shall consist of not more than fourteen members, seven of whom are appointed by the Speaker of the House of Representatives and seven of whom are appointed by the President of the Senate. Membership shall include representatives from each of the following sectors:

- (1) Wright State University's Lake Campus;
- (2) Primary and secondary education;
- (3) Business organizations;
- (4) Nursing;
- (5) Engineering;

(6) Any other local stakeholders as determined by the Speaker or the Senate President.

The Chancellor shall not serve on the Task Force, but the Task Force may consult with the Chancellor as it determines necessary. The Chancellor shall provide any available information the Task Force requests.

(C) The Task Force shall evaluate current successes, challenges, and opportunities for Wright State University's Lake Campus and develop a long-term strategic plan that ensures the Western Ohio region is served with a campus offering high quality educational programs that meet local needs, and is affordable, accessible, and positions the region for continued economic and community success.

(D) Not later than December 31, 2022, the Task Force shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, and to the Chancellor a report detailing its findings and recommendations. The report shall include a long-term strategic plan.

**SECTION 383.10. DRC DEPARTMENT OF REHABILITATION AND
CORRECTION**

General Revenue Fund

GRF 501321	Institutional Operations	\$	1,192,004,968	\$	1,234,125,637
GRF 501405	Halfway House	\$	70,019,786	\$	70,019,786
GRF 501406	Adult Correctional Facilities	\$	85,000,000	\$	85,000,000
	Lease Rental Bond Payments				
GRF 501407	Community Nonresidential Programs	\$	67,644,863	\$	67,644,863
GRF 501408	Community Misdemeanor Programs	\$	9,340,276	\$	9,340,276
GRF 501501	Community Residential Programs - Community Based Correctional Facilities	\$	84,757,815	\$	88,835,863
GRF 503321	Parole and Community Operations	\$	96,680,240	\$	106,525,655
GRF 504321	Administrative Operations	\$	24,658,204	\$	25,132,130
GRF 505321	Institution Medical Services	\$	290,898,936	\$	302,940,702
GRF 506321	Institution Education Services	\$	35,541,578	\$	35,665,119
TOTAL GRF General Revenue Fund		\$	1,956,546,666	\$	2,025,230,031

Dedicated Purpose Fund Group

4B00 501601	Sewer Treatment Services	\$	1,200,000	\$	1,200,000
4D40 501603	Prisoner Programs	\$	400,000	\$	400,000
4L40 501604	Transitional Control	\$	2,450,000	\$	2,450,000
4S50 501608	Education Services	\$	4,660,000	\$	4,660,000
5AF0 501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000
5CV1 501627	Coronavirus Relief - DRC	\$	18,000,000	\$	0
5H80 501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000
5TZ0 501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000
TOTAL DPF Dedicated Purpose Fund Group		\$	34,870,000	\$	16,870,000

Internal Service Activity Fund Group

1480 501602	Institutional Services	\$	2,850,000	\$	2,850,000
2000 501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000
4830 501605	Leased Property Maintenance and Operating	\$	2,000,000	\$	2,000,000
5710 501606	Corrections Training Maintenance and Operating	\$	980,000	\$	980,000
5L60 501611	Information Technology Services	\$	500,000	\$	500,000
TOTAL ISA Internal Activity Fund Group		\$	52,845,000	\$	52,845,000

Federal Fund Group

3230 501619	Federal Grants	\$	3,040,000	\$	3,040,000
3CW0 501622	Federal Equitable Sharing	\$	300,000	\$	300,000
TOTAL FED Federal Fund Group		\$	3,340,000	\$	3,340,000

TOTAL ALL BUDGET FUND GROUPS \$ 2,047,601,666 \$ 2,098,285,031

EXPEDITED PARDON INITIATIVE

Of the foregoing appropriation item 501321, Institutional Operations, up to \$500,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to distribute grants to create up to five regional collaborative partnership pilot projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency.

OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program.

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Rehabilitation and Correction pursuant to leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

REENTRY EMPLOYMENT GRANTS

(A) Of the foregoing appropriation item 503321, Parole and Community Operations, \$275,000 in each fiscal year shall be used by the Department of Rehabilitation and Correction to create and implement a program to award grants to at least one nonprofit organization that operates reentry employment programs that meet all of the following criteria:

- (1) Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;
- (2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;
- (3) Have been independently and rigorously evaluated and shown to reduce recidivism;

(4) Have the ability to serve multiple large jurisdictions across the state.

(B) The Department shall establish guidelines, procedures, all forms by which applicants may apply for grants, and outcome-based criteria upon which performance, under the terms of the grant awards, is evaluated. The outcomes, as defined by the Department, shall include enrollment, job placement, and job retention.

INSTITUTION EDUCATION SERVICES

Of the foregoing appropriation item 506321, Institution Education Services, \$654,250 in fiscal year 2022 shall be used for the Ashland University Correctional Education Expansion Program.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

SECTION 387.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group

GRF	110908	Property Tax Reimbursement – Local Government	\$	651,400,000	\$	658,400,000
GRF	200903	Property Tax Reimbursement - Education	\$	1,183,000,000	\$	1,195,600,000
TOTAL GRF General Revenue Fund Group			\$	1,834,400,000	\$	1,854,000,000

Revenue Distribution Fund Group

5JG0	110633	Gross Casino Revenue Payments-County	\$	150,000,000	\$	153,000,000
5JH0	110634	Gross Casino Revenue Payments- School Districts	\$	99,800,000	\$	101,800,000
5JJ0	110636	Gross Casino Revenue - Host City	\$	14,700,000	\$	15,000,000
7047	200902	Property Tax Replacement Phase Out-Education	\$	83,157,236	\$	72,308,288
7049	336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	0
7050	762900	International Registration Plan Distribution	\$	23,000,000	\$	23,000,000
7051	762901	Auto Registration Distribution	\$	328,000,000	\$	328,000,000
7060	110960	Gasoline Excise Tax Fund	\$	900,000,000	\$	920,000,000
7065	110965	Public Library Fund	\$	439,000,000	\$	454,000,000
7066	800966	Undivided Liquor Permits	\$	14,600,000	\$	14,600,000
7069	110969	Local Government Fund	\$	428,000,000	\$	443,000,000
7081	110907	Property Tax Replacement	\$	7,256,000	\$	6,307,000

		Phase Out-Local Government			
7082	110982	Horse Racing Tax	\$	60,000	\$ 60,000
7083	700900	Ohio Fairs Fund	\$	1,000,000	\$ 1,000,000
TOTAL RDF Revenue Distribution					
Fund Group			\$	2,490,823,236	\$ 2,532,075,288
Fiduciary Fund Group					
4P80	001698	Cash Management	\$	3,100,000	\$ 3,100,000
Improvement Fund					
5VR0	110902	Municipal Net Profit Tax	\$	70,000,000	\$ 75,000,000
6080	001699	Investment Earnings	\$	120,000,000	\$ 120,000,000
7001	110996	Horse Racing Tax Local	\$	240,000	\$ 240,000
Government Payments					
7062	110962	Resort Area Excise Tax	\$	1,500,000	\$ 1,500,000
Distribution					
7063	110963	Permissive Sales Tax	\$	2,928,800,000	\$ 3,057,700,000
Distribution					
7067	110967	School District Income Tax	\$	560,900,000	\$ 594,000,000
Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$ 300,000
Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$ 1,000,000
7094	110641	Wireless 9-1-1 Government	\$	25,900,000	\$ 26,000,000
Assistance					
7095	110995	Municipal Income Tax	\$	20,000,000	\$ 20,000,000
7099	762902	Permissive Tax Distribution -	\$	235,000,000	\$ 242,000,000
Auto Registration					
TOTAL FID Fiduciary Fund Group			\$	3,966,740,000	\$ 4,140,840,000
Holding Account Fund Group					
R045	110617	International Fuel Tax	\$	56,100,000	\$ 56,100,000
Distribution					
TOTAL HLD Holding Account Fund Group			\$	56,100,000	\$ 56,100,000
TOTAL ALL BUDGET FUND GROUPS			\$	8,348,063,236	\$ 8,583,015,288

SECTION 387.20. ADDITIONAL APPROPRIATIONS

Appropriation items in Section 387.10 of this act shall be used for the purpose of administering and distributing the designated revenue distribution funds according to the Revised Code. If it is determined that additional appropriations are necessary for this purpose in any appropriation items in Section 387.10 of this act, such amounts are hereby appropriated.

GENERAL REVENUE FUND TRANSFERS

Notwithstanding any provision of law to the contrary, in fiscal year 2022 and fiscal year 2023, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units and school districts under sections 5709.92 and 5709.93 of the Revised

Code. Also, in fiscal year 2022 and fiscal year 2023, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) and to replenish the General Revenue Fund for such transfers.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation item 200903, Property Tax Reimbursement - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds

to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

MUNICIPAL NET PROFIT TAX

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2022 and fiscal year 2023, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal

Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (B) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Public Library Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2022 and fiscal year 2023 using one and seven tenths as the percentage.

SECTION 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund

GRF 226321	Operations	\$	12,599,774	\$	12,801,135
TOTAL GRF	General Revenue Fund	\$	12,599,774	\$	12,801,135

Dedicated Purpose Fund Group

4H80 226602	Education Reform Grants	\$	200,000	\$	200,000
4M50 226601	Work Study and Technology Investment	\$	300,000	\$	300,000
5NJ0 226622	Food Service Program	\$	10,500	\$	10,500
TOTAL DPF	Dedicated Purpose Fund Group	\$	510,500	\$	510,500

Federal Fund Group

3100 226626	Federal Grants	\$	842,850	\$	842,850
3DT0 226621	Ohio Transition Collaborative	\$	265,000	\$	265,000
3P50 226643	Medicaid Professional Services Reimbursement	\$	100,000	\$	100,000
TOTAL FED	Federal Fund Group	\$	1,207,850	\$	1,207,850
TOTAL ALL BUDGET FUND GROUPS		\$	14,318,124	\$	14,519,485

SECTION 393.10. OSD OHIO SCHOOL FOR THE DEAF

General Revenue Fund

GRF 221321	Operations	\$	13,940,430	\$	14,164,662
TOTAL GRF	General Revenue Fund	\$	13,940,430	\$	14,164,662

Dedicated Purpose Fund Group

4M00 221601	Educational Program Expenses	\$	200,000	\$	200,000
4M10 221602	Education Reform Grants	\$	210,000	\$	210,000
5H60 221609	Even Start Fees and Gifts	\$	53,000	\$	53,000
5NK0 221610	Food Service Program	\$	10,500	\$	10,500
TOTAL DPF	Dedicated Purpose Fund Group	\$	473,500	\$	473,500

Federal Fund Group

3110 221625	Federal Grants	\$	281,000	\$	281,000
3R00 221684	Medicaid Professional Services Reimbursement	\$	206,000	\$	206,000
TOTAL FED	Federal Fund Group	\$	487,000	\$	487,000
TOTAL ALL BUDGET FUND GROUPS		\$	14,900,930	\$	15,125,162

SECTION 395.10. SOS SECRETARY OF STATE

General Revenue Fund

GRF 050321	Operating Expenses	\$	890,000	\$	890,000
GRF 050407	Poll Workers Training	\$	234,196	\$	234,196
GRF 050509	County Voting Systems Lease Rental Payments	\$	12,500,000	\$	12,500,000
TOTAL GRF General Revenue Fund		\$	13,624,196	\$	13,624,196

Dedicated Purpose Fund Group

4120 050609	Notary Commission	\$	475,000	\$	475,000
4S80 050610	Board of Voting Machine Examiners	\$	14,400	\$	14,400
5990 050603	Business Services Operating Expenses	\$	17,923,793	\$	16,872,298
5990 050629	Statewide Voter Registration Database	\$	700,000	\$	700,000
5990 050630	Elections Support Supplement	\$	2,390,000	\$	2,500,000
5FG0 050620	BOE Reimbursement and Education	\$	200,000	\$	200,000
5SN0 050626	Address Confidentiality	\$	200,000	\$	200,000
TOTAL DPF Dedicated Purpose Fund Group		\$	21,903,193	\$	20,961,698

Holding Account Fund Group

R002 050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000
TOTAL HLD Holding Account Fund Group		\$	85,000	\$	85,000

Federal Fund Group

3AS0 050616	Help America Vote Act (HAVA)	\$	1,500,000	\$	1,500,000
TOTAL FED Federal Fund Group		\$	1,500,000	\$	1,500,000
TOTAL ALL BUDGET FUND GROUPS		\$	37,112,389	\$	36,170,894

SECTION 395.20. POLL WORKERS TRAINING

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2022 is hereby reappropriated to fiscal year 2023 for the same purpose.

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS

The foregoing appropriation item 050509, County Voting Systems Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 4 of S.B. 135 of the 132nd General Assembly with respect to financing the costs associated with the acquisition,

development, installation, and implementation of county voting systems.

BOARD OF VOTING MACHINE EXAMINERS

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

BALLOT ADVERTISING COSTS

Notwithstanding division (G) of section 3501.17 of the Revised Code, upon requests submitted by the Secretary of State, the Controlling Board may approve transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for the cost of public notices associated with statewide ballot initiatives.

ABSENT VOTER'S BALLOT APPLICATION MAILING

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2022.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

The foregoing appropriation item 050634, Women's Suffrage Centennial Commission, shall be used to carry out the duties of the Womens' Suffrage Commission in accordance with S.B. 30 of the 133rd General Assembly. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050634, Women's Suffrage

Centennial Commission, at the end of fiscal year 2021 is hereby reappropriated to fiscal year 2022 for the same purpose.

An amount equal to the unexpended, unencumbered, portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2022 is hereby reappropriated in fiscal year 2023 for the same purpose.

CORPORATE/BUSINESS FILING REFUNDS

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.

HAVA FUNDS

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022.

An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

SECTION 397.10. SEN THE OHIO SENATE

GRF 020321	Operating Expenses	\$	15,902,029	\$	15,902,029
TOTAL GRF General Revenue Fund		\$	15,902,029	\$	15,902,029
Internal Service Activity Fund Group					
1020 020602	Senate Reimbursement	\$	425,800	\$	425,800
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497
TOTAL ISA Internal Service Activity Fund Group		\$	460,297	\$	460,297
TOTAL ALL BUDGET FUND GROUPS		\$	16,362,326	\$	16,362,326

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Clerk of the Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Clerk of the

Senate may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 020321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

SECTION 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM

General Revenue Fund

GRF 866321	CSV Operations	\$	529,252	\$	529,252
TOTAL GRF General Revenue Fund		\$	529,252	\$	529,252

Dedicated Purpose Fund Group

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000
TOTAL DPF Dedicated Purpose Fund Group		\$	30,000	\$	30,000

Federal Fund Group

3R70 866617	AmeriCorps Programs	\$	10,121,612	\$	10,144,716
TOTAL FED Federal Fund Group		\$	10,121,612	\$	10,144,716
TOTAL ALL BUDGET FUND GROUPS		\$	10,680,864	\$	10,703,968

SECTION 401.10. CSF COMMISSIONERS OF THE SINKING FUND

Debt Service Fund Group

7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$	69,000,000	\$	76,000,000
7072	155902	Highway Capital Improvement Bond Retirement Fund	\$	164,700,000	\$	164,700,000
7073	155903	Natural Resources Bond Retirement Fund	\$	20,600,000	\$	23,000,000
7074	155904	Conservation Projects Bond Retirement Fund	\$	50,500,000	\$	53,500,000
7076	155906	Coal Research and Development Bond Retirement Fund	\$	7,300,000	\$	8,500,000
7077	155907	State Capital Improvement Bond Retirement Fund	\$	246,500,000	\$	237,000,000
7078	155908	Common Schools Bond Retirement Fund	\$	427,000,000	\$	390,000,000
7079	155909	Higher Education Bond Retirement Fund	\$	331,000,000	\$	301,000,000
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund	\$	5,375,000	\$	5,000,000
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	4,605,000	\$	4,605,000
TOTAL DSF Debt Service Fund Group		\$	1,326,580,000	\$	1,263,305,000	
TOTAL ALL BUDGET FUND GROUPS		\$	1,326,580,000	\$	1,263,305,000	

ADDITIONAL APPROPRIATIONS

Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2021, through June 30, 2023, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

SECTION 403.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION

Dedicated Purpose Fund Group

5M90 945601	Operating Expenses	\$	98,270	\$	0
TOTAL DPF Dedicated Purpose Fund Group		\$	98,270	\$	0
TOTAL ALL BUDGET FUND GROUPS		\$	98,270	\$	0

SECTION 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD

Dedicated Purpose Fund Group

4K90 123609	Operating Expenses	\$	636,709	\$	636,709
TOTAL DPF Dedicated Purpose Fund Group		\$	636,709	\$	636,709
TOTAL ALL BUDGET FUND GROUPS		\$	636,709	\$	636,709

SECTION 407.10. BTA BOARD OF TAX APPEALS

General Revenue Fund

GRF 116321	Operating Expenses	\$	1,753,243	\$	1,803,160
TOTAL GRF General Revenue Fund		\$	1,753,243	\$	1,803,160
TOTAL ALL BUDGET FUND GROUPS		\$	1,753,243	\$	1,803,160

SECTION 409.10. TAX DEPARTMENT OF TAXATION

General Revenue Fund

GRF 110321	Operating Expenses	\$	56,240,803	\$	56,504,746
GRF 110404	Tobacco Settlement Enforcement	\$	150,810	\$	150,810
TOTAL GRF General Revenue Fund		\$	56,391,613	\$	56,655,556

Dedicated Purpose Fund Group

2280 110628	CAT Administration	\$	10,545,000	\$	10,880,000
4350 110607	Local Tax Administration	\$	31,020,628	\$	31,020,628
4360 110608	Motor Vehicle Audit Administration	\$	1,500,000	\$	1,500,000
4380 110609	School District Income Tax Administration	\$	9,000,000	\$	9,000,000
4C60 110616	International Registration Plan Administration	\$	705,869	\$	705,869

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4R60	110610	Tire Tax Administration	\$	180,000	\$	180,000
5BP0	110639	Wireless 9-1-1 Administration	\$	298,794	\$	298,794
5JM0	110637	Casino Tax Administration	\$	125,000	\$	125,000
5N50	110605	Municipal Income Tax Administration	\$	200,000	\$	200,000
5N60	110618	Kilowatt Hour Tax Administration	\$	100,000	\$	100,000
5NY0	110643	Petroleum Activity Tax Administration	\$	1,000,000	\$	1,000,000
5V70	110622	Motor Fuel Tax Administration	\$	6,000,000	\$	6,000,000
5V80	110623	Property Tax Administration	\$	5,000,000	\$	5,000,000
6390	110614	Cigarette Tax Enforcement	\$	1,450,000	\$	1,450,000
6880	110615	Local Excise Tax Administration	\$	500,000	\$	500,000
TOTAL DPF Dedicated Purpose Fund Group			\$	67,625,291	\$	67,960,291
Fiduciary Fund Group						
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300
5CZ0	110631	Vendor's License Application	\$	380,000	\$	380,000
TOTAL FID Fiduciary Fund Group			\$	2,180,149,300	\$	2,180,149,300
Holding Account Fund Group						
R010	110611	Tax Distributions	\$	25,000	\$	25,000
R011	110612	Miscellaneous Income Tax Receipts	\$	500	\$	500
TOTAL HLD Holding Account Fund Group			\$	25,500	\$	25,500
TOTAL ALL BUDGET FUND GROUPS			\$	2,304,191,704	\$	2,304,790,647

SECTION 409.20. TAX REFUNDS

The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

VENDOR'S LICENSE PAYMENTS

The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION

The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

PROPERTY TAX ADMINISTRATION

Notwithstanding section 5703.80 or division (F) of section 321.24 of the Revised Code, in fiscal year 2022, the Tax Commissioner shall not compute or certify the amounts calculated under divisions (A) and (B) of that section as amended by this act. The Director of Budget and Management shall not transfer any amounts from the General Revenue Fund to the Property Tax Administration Fund in fiscal year 2022. In fiscal year 2022, the Tax Commissioner shall not subtract any amounts computed under section 5703.80 of the Revised Code, as amended by this act, from the payments made from the General Revenue Fund to county treasurers under division (F) of section 321.24 of the Revised Code. In fiscal year 2023, the Property Tax Administration Fund shall be funded as provided in section 5703.80 and division (F) of section 321.24 of the Revised Code.

SECTION 411.10. DOT DEPARTMENT OF TRANSPORTATION

General Revenue Fund

GRF 772502	Local Transportation Projects	\$	150,000	\$	150,000
GRF 776465	Rail Development	\$	2,000,000	\$	2,000,000
GRF 777471	Airport Improvements - State	\$	6,419,687	\$	7,404,687
TOTAL GRF General Revenue Fund		\$	8,569,687	\$	9,554,687

Dedicated Purpose Fund Group

5QT0 776670	Ohio Maritime Assistance Program	\$	11,000,000	\$	12,000,000
TOTAL DPF Dedicated Purpose Fund Group		\$	11,000,000	\$	12,000,000
TOTAL ALL BUDGET FUND GROUPS		\$	19,569,687	\$	21,554,687

SECTION 411.15. LOCAL TRANSPORTATION PROJECTS

The foregoing appropriation item 772502, Local Transportation Projects, shall be used to support the Regional Transportation Improvement

Project in Carrol, Columbiana, and Stark counties.

SECTION 411.30. AIRPORT IMPROVEMENTS – STATE

The foregoing appropriation item 777471, Airport Improvements – State, shall be used for the Ohio Airport Grant Program in supporting capital improvements, maintaining infrastructure, and ensuring safety at publicly owned, public use airports in Ohio.

SECTION 411.40. OHIO MARITIME ASSISTANCE PROGRAM

The foregoing appropriation item 776670, Ohio Maritime Assistance Program, shall be used for the Ohio Maritime Assistance Program established under Section 5501.91 of the Revised Code.

Notwithstanding Chapter 166. Of the Revised Code, the Director of Budget and Management shall transfer \$11,000,000 cash in fiscal year 2022 from the General Revenue Fund and \$12,000,000 cash in fiscal year 2023 from the Facilities Establishment Fund (Fund 7037) to the Ohio Maritime Assistance Fund (Fund 5QT0).

SECTION 413.10. TOS TREASURER OF STATE

General Revenue Fund

GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839
GRF 090401	Office of the Sinking Fund	\$	463,662	\$	463,662
GRF 090402	Continuing Education	\$	175,000	\$	175,000
GRF 090406	Treasury Management System Lease Rental Payments	\$	1,125,000	\$	1,120,000
GRF 090613	STABLE Account Administration	\$	1,480,987	\$	1,480,987
TOTAL GRF General Revenue Fund		\$	11,282,488	\$	11,277,488

Dedicated Purpose Fund Group

4E90 090603	Securities Lending Income	\$	7,843,565	\$	7,843,565
4X90 090614	Political Subdivision Obligation	\$	45,000	\$	45,000
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000
5C50 090602	County Treasurer Education	\$	240,057	\$	240,057
5NH0 090610	OhioMeansJobs Workforce Development	\$	250,000	\$	250,000
5VZ0 090615	State Pay for Success Contract Fund	\$	1,200,000	\$	0
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000
TOTAL DPF Dedicated Purpose Fund Group		\$	11,328,622	\$	10,128,622

Fiduciary Fund Group

4250 090635 Tax Refunds	\$	12,000,000	\$	12,000,000
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000
TOTAL ALL BUDGET FUND GROUPS	\$	34,611,110	\$	33,406,110

SECTION 413.20. OFFICE OF THE SINKING FUND

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

STABLE ACCOUNT ADMINISTRATION

The foregoing appropriation item 090613, STABLE Account Administration, shall be used for administration of an Achieve a Better Living Experience (ABLE) account program.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

SECTION 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used to make payments during the period from July 1, 2021, through June 30, 2023, pursuant to leases and agreements entered into under Section 701.20 of H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly with respect

to financing the costs associated with the acquisition, development, implementation, and integration of the Treasury Management System.

SECTION 413.40. OHIOMEANSJOBS WORKFORCE
DEVELOPMENT REVOLVING LOAN PROGRAM

The foregoing appropriation item 090610, OhioMeansJobs Workforce Development, shall be used for the OhioMeansJobs Workforce Development Revolving Loan Program to provide loans to individuals for workforce training.

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 2022 may be used by the Treasurer of State to administer the program.

Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 2023 may be used by the Treasurer of State to administer the program.

The Treasurer of State shall determine, during the second half of fiscal year 2023, if the cash balance and anticipated loan repayments to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0), will be sufficient to meet the appropriation level of \$250,000 in fiscal year 2023. If those resources are insufficient, the Treasurer of State may submit a request to the Controlling Board for a transfer of up to \$325,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0), to Fund 5NH0.

SECTION 413.50. STATE PAY FOR SUCCESS CONTRACT FUND

The foregoing appropriation item 090615, State Pay for Success Contract Fund, shall be used to fund a pay for success contract pursuant to sections 113.60 to 113.62 of the Revised Code, and an independent evaluator contract. The Treasurer of State, in consultation with the Director of Administrative Services, shall enter into a pay for success contract with, a service intermediary, Foundation for Appalachian Ohio, and any service providers as required and as identified by the service intermediary, for the purpose of delivering a vision care project pursuant to a pay for success contract. As the service intermediary, Foundation for Appalachian Ohio may subcontract with one or more service providers to deliver the project,

pursuant to section 113.60 of the Revised Code. The Treasurer of State, in consultation with the Director of Administrative Services, shall initiate a contract with an independent evaluator.

Any unexpended and unencumbered amount of the appropriation item 090615, State Pay for Success Contract Fund, remaining at the end of fiscal year 2022 is hereby reappropriated in fiscal year 2023, to be used for the same purpose.

SECTION 414.10. VTO VETERANS' ORGANIZATIONS

General Revenue Fund

		VAP AMERICAN EX-PRISONERS OF WAR		
GRF	743501	State Support	\$ 40,000	\$ 40,000
		VAN ARMY AND NAVY UNION, USA, INC.		
GRF	746501	State Support	\$ 75,000	\$ 75,000
		VKW KOREAN WAR VETERANS		
GRF	747501	State Support	\$ 75,000	\$ 75,000
		VJW JEWISH WAR VETERANS		
GRF	748501	State Support	\$ 55,000	\$ 55,000
		VCW CATHOLIC WAR VETERANS		
GRF	749501	State Support	\$ 75,000	\$ 75,000
		VPH MILITARY ORDER OF THE PURPLE HEART		
GRF	750501	State Support	\$ 75,000	\$ 75,000
		VVV VIETNAM VETERANS OF AMERICA		
GRF	751501	State Support	\$ 275,000	\$ 275,000
		VAL AMERICAN LEGION OF OHIO		
GRF	752501	State Support	\$ 400,000	\$ 400,000
		VII AMVETS		
GRF	753501	State Support	\$ 400,000	\$ 400,000
		VAV DISABLED AMERICAN VETERANS		
GRF	754501	State Support	\$ 400,000	\$ 400,000
		VMC MARINE CORPS LEAGUE		
GRF	756501	State Support	\$ 190,000	\$ 190,000
		V37 37TH DIVISION VETERANS' ASSOCIATION		
GRF	757501	State Support	\$ 15,000	\$ 15,000
		VFW VETERANS OF FOREIGN WARS		
GRF	758501	State Support	\$ 400,000	\$ 400,000
TOTAL GRF General Revenue Fund			\$ 2,475,000	\$ 2,475,000
TOTAL ALL BUDGET FUND GROUPS			\$ 2,475,000	\$ 2,475,000

SECTION 415.10. DVS DEPARTMENT OF VETERANS SERVICES

General Revenue Fund

GRF	900321	Veterans' Homes	\$ 45,402,392	\$ 45,393,691
GRF	900402	Hall of Fame	\$ 129,332	\$ 135,813
GRF	900408	Department of Veterans	\$ 4,395,439	\$ 4,197,659

		Services			
GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$	1,500,000	\$ 1,500,000
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,375,000	\$ 5,000,000
TOTAL GRF General Revenue Fund			\$	56,802,163	\$ 56,227,163
Dedicated Purpose Fund Group					
4840	900603	Veterans' Homes Services	\$	720,775	\$ 771,000
4E20	900602	Veterans' Homes Operating	\$	9,810,523	\$ 9,444,887
5CV1	900607	COVID Safety - Ohio Veterans Homes	\$	2,000,000	\$ 0
5DB0	900643	Military Injury Relief Program	\$	55,800	\$ 55,800
5NX0	900646	State Opioid Response	\$	701,752	\$ 172,541
6040	900604	Veterans' Homes Improvement	\$	500,000	\$ 500,000
TOTAL DPF Dedicated Purpose Fund Group			\$	13,788,850	\$ 10,944,228
Debt Service Fund Group					
7041	900615	Veteran Bonus Program - Administration	\$	187,286	\$ 163,224
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$	609,411	\$ 221,420
TOTAL DSF Debt Service Fund Group			\$	796,697	\$ 384,644
Federal Fund Group					
3680	900614	Veterans Training	\$	903,149	\$ 922,108
3BX0	900609	Medicare Services	\$	3,578,278	\$ 3,578,278
3L20	900601	Veterans' Homes Operations - Federal	\$	27,183,376	\$ 29,957,759
TOTAL FED Federal Fund Group			\$	31,664,803	\$ 34,458,145
TOTAL ALL BUDGET FUND GROUPS			\$	103,052,513	\$ 102,014,180

VETERANS ORGANIZATIONS' RENT

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.

VOLUNTEERS OF AMERICA CLEVELAND SHELTER FOR FEMALE VETERANS

Of the foregoing appropriation item 900408, Department of Veterans Services, \$200,000 in fiscal year 2022 shall be distributed to Volunteers of America to construct temporary housing for female veterans in need and to provide related services to Ohio female veterans at their facility located in Cuyahoga County. All of this funding shall be spent in Ohio on Ohio female veterans.

SAVE A WARRIOR

Of the foregoing appropriation item 900408, Department of Veterans Services, \$100,000 in each fiscal year shall be distributed to Save a Warrior

to provide post-traumatic stress rehabilitation services to Ohio veterans at their facility located in Highland County.

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2021, through June 30, 2023, on obligations issued under Section 2r of Article VIII, Ohio Constitution.

SECTION 417.10. DVM VETERINARY MEDICAL LICENSING BOARD

Dedicated Purpose Fund Group

4K90 888609	Operating Expenses	\$	444,238	\$	440,278
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TOTAL DPF Dedicated Purpose					
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Fund Group		\$	444,238	\$	440,278
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Internal Service Activity Fund Group

5BU0 888602	Veterinary Student Loan	\$	30,000	\$	30,000
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	Program				
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TOTAL ISA Internal Service Activity					
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Fund Group		\$	30,000	\$	30,000
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TOTAL ALL BUDGET FUND GROUPS		\$	474,238	\$	470,278
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SECTION 419.10. VPB STATE VISION PROFESSIONALS BOARD

Dedicated Purpose Fund Group

4K90 129609	Operating Expenses	\$	654,140	\$	654,140
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TOTAL DPF Dedicated Purpose Fund Group					
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TOTAL ALL BUDGET FUND GROUPS		\$	654,140	\$	654,140
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SECTION 421.10. DYS DEPARTMENT OF YOUTH SERVICES

General Revenue Fund

GRF 470401	RECLAIM Ohio	\$	166,636,645	\$	169,044,852
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GRF 470412	Juvenile Correctional	\$	16,250,000	\$	18,900,000
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	Facilities Lease Rental Bond				
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	Payments				
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GRF 470510	Youth Services	\$	16,702,728	\$	16,702,728
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GRF 472321	Parole Operations	\$	9,899,086	\$	10,050,852
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GRF 477321	Administrative Operations	\$	13,741,605	\$	14,036,850
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TOTAL GRF General Revenue Fund					
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		\$	223,230,064	\$	228,735,282
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Dedicated Purpose Fund Group

1470 470612	Vocational Education	\$	1,538,933	\$	1,416,746
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1750 470613	Education Services	\$	2,964,749	\$	2,546,450
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4790 470609	Employee Food Service	\$	20,300	\$	20,300
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4A20 470602	Child Support	\$	153,968	\$	90,968
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4G60	470605	Juvenile Special Revenue - Non-Federal	\$	109,663	\$	109,663
5BN0	470629	E-Rate Program	\$	59,000	\$	59,000
TOTAL DPF Dedicated Purpose Fund Group			\$	4,846,613	\$	4,243,127
Federal Fund Group						
3210	470601	Education	\$	974,805	\$	987,656
3210	470603	Juvenile Justice Prevention	\$	2,289,557	\$	2,294,382
3210	470606	Nutrition	\$	930,000	\$	930,000
3210	470614	Title IV-E Reimbursements	\$	3,386,344	\$	3,449,344
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,907,500	\$	1,907,501
TOTAL FED Federal Fund Group			\$	9,488,206	\$	9,568,883
TOTAL ALL BUDGET FUND GROUPS			\$	237,564,883	\$	242,547,292

COMMUNITY PROGRAMS

For purposes of implementing juvenile sentencing reforms, and notwithstanding any provision of law to the contrary, the Department of Youth Services may use up to \$1,375,000 of the unexpended, unencumbered balance of the portion of appropriation item 470401, RECLAIM Ohio, that is allocated to juvenile correctional facilities in each fiscal year to expand Targeted RECLAIM, the Behavioral Health Juvenile Justice Initiative, and other evidence-based community programs.

CLEVELAND RAPE CRISIS CENTER

Of the foregoing appropriation item 470401, RECLAIM Ohio, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center.

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 470412, Juvenile Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2021, through June 30, 2023, by the Department of Youth Services under the leases and agreements for facilities made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.

EDUCATION SERVICES

The foregoing appropriation item 470613, Education Services, shall be used to fund the operating expenses of providing educational services to youth supervised by the Department of Youth Services. Operating expenses include, but are not limited to, teachers' salaries, maintenance costs, and educational equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

SECTION 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from which personal service expenses are paid shall bear the employer's share of public employees' retirement, workers' compensation, disabled workers' relief, and insurance programs; the costs of centralized financial services, centralized payroll processing, and related reports and services; centralized human resources services, including affirmative action and equal employment opportunity programs; the Office of Collective Bargaining; centralized information technology management services; administering the enterprise resource planning system; and administering the state employee merit system as required by section 124.07 of the Revised Code. These costs shall be determined in conformity with the appropriate sections of law and paid in accordance with procedures specified by the Office of Budget and Management. Expenditures from appropriation item 070601, Public Audit Expense - Intra-State, may be exempted from the requirements of this section.

SECTION 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION CHANGES

Notwithstanding any provision of law to the contrary, beginning with the pay period that includes July 1, 2021, each state appointing authority is authorized to make expenditures from current state operating appropriations contained in this act or any other act necessary to provide for the changes to compensation provisions pursuant to approved collective bargaining agreements between employee organizations and State of Ohio public employers and pursuant to provisions of law, as amended by this act, for employees exempt from collective bargaining to allow parity for those employees. Notwithstanding any provision of law to the contrary, on or after July 1, 2021, the Director of Budget and Management may authorize increased expenditures from General Revenue Fund and non-General Revenue Fund appropriation items in this act or any other appropriations act

of the General Assembly to the extent the Director determines necessary to effectuate the changes to compensation. Any increases in expenditures authorized pursuant to this section are hereby appropriated.

SECTION 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation in this act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization does not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state, or for payments under lease agreements relating to, or debt service on, bonds, notes, or other obligations of the state. Notwithstanding any other statute to the contrary, this authorization includes appropriations from funds into which proceeds of direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for, or represents, capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related obligations were issued or entered into. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, and is not intended to waive or compromise any defense or right available to the state in any suit against it.

SECTION 503.30. CAPITAL PROJECT SETTLEMENTS

This section specifies an additional and supplemental procedure to provide for payments of judgments and settlements if the Director of Budget and Management determines, pursuant to division (C)(4) of section 2743.19 of the Revised Code, that sufficient unencumbered moneys do not exist in the fund to support a particular appropriation to pay the amount of a final judgment rendered against the state or a state agency, including the settlement of a claim approved by a court, in an action upon and arising out of a contractual obligation for the construction or improvement of a capital facility if the costs under the contract were payable in whole or in part from a state capital projects appropriation. In such a case, the Director may either proceed pursuant to division (C)(4) of section 2743.19 of the Revised Code or apply to the Controlling Board to increase an appropriation or create an appropriation out of any unencumbered moneys in the state treasury to the credit of the capital projects fund from which the initial state appropriation

was made. The amount of an increase in appropriation or new appropriation approved by the Controlling Board is hereby appropriated from the applicable capital projects fund and made available for the payment of the judgment or settlement.

If the Director does not make the application authorized by this section or the Controlling Board disapproves the application, and the Director does not make application under division (C)(4) of section 2743.19 of the Revised Code, the Director shall for the purpose of making that payment make a request to the General Assembly as provided for in division (C)(5) of that section.

SECTION 503.40. RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

SECTION 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

(A) Notwithstanding the original year of appropriation or encumbrance, the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2021 or fiscal year 2022 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section, for a period of not more than five months from the end of the fiscal year;

(2) For an encumbrance for an item of special order manufacture not available on state contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2022 – FY 2023 biennium;

(4) For an encumbrance for any other type of expense not otherwise identified in division (A)(1), (2), or (3) of this section, for such period as the Director approves, provided such period does not extend beyond the FY 2022 - FY 2023 biennium.

(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2022 or fiscal year 2023 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

SECTION 503.60. CORRECTION OF ACCOUNTING ERRORS

(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or state institution of higher education, as defined in section 3345.011 of the Revised Code, such as reestablishing prior year non-operating encumbrances canceled or modified in error. The reestablished encumbrance amounts are hereby appropriated.

SECTION 503.70. TEMPORARY REVENUE HOLDING

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Upon certification by a director or head of a state agency, the Director of Budget and Management may create funds in the state treasury on behalf of an agency when the agency is required by law to detain funds in escrow. The Director of Budget and Management may transfer cash between funds within the state treasury to satisfy escrow requirements.

SECTION 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

SECTION 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

SECTION 503.100. INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

SECTION 503.110. EXPENDITURES AND APPROPRIATION INCREASES APPROVED BY THE CONTROLLING BOARD

Any money that the Controlling Board approves for expenditure or any

increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2023.

SECTION 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S RESIDENCE

If the Governor's Residence Fund (Fund 4H20) receives payment for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

SECTION 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SECTION 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

SECTION 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2021, through June 30, 2023, relating to bonds, notes, or other obligations issued by or on behalf of the state pursuant to the Ohio Constitution, Revised Code, and acts of the General Assembly. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

SECTION 505.10. ARBITRAGE REBATE AUTHORIZATION

If it is determined that a payment is necessary in the amount computed at the time to represent the portion of investment income to be rebated or amounts in lieu of or in addition to any rebate amount to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those state obligations under section 148(f) of the Internal Revenue Code, such an amount is hereby appropriated from those funds designated by or pursuant to the applicable proceedings authorizing the issuance of state obligations.

Payments for this purpose shall be approved and vouchered by the Office of Budget and Management.

SECTION 505.20. STATEWIDE INDIRECT COST RECOVERY

Whenever the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to provide for the recovery of statewide indirect costs under section 126.12 of the Revised Code, the amount required for such purpose is hereby appropriated from the available receipts of such fund.

SECTION 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT COST ALLOCATION PLAN

The total transfers made from the General Revenue Fund by the Director of Budget and Management under this section shall not exceed the amounts transferred into the General Revenue Fund under section 126.12 of the Revised Code.

The director of an agency may certify to the Director of Budget and Management the amount of expenses not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, from any fund included in the Statewide Indirect Cost Allocation Plan, prepared as required by section 126.12 of the Revised Code.

Upon determining that no alternative source of funding is available to pay for such expenses, the Director of Budget and Management may transfer cash from the General Revenue Fund into the fund for which the certification is made, up to the amount of the certification. The director of the agency receiving such funds shall include, as part of the next budget submission prepared under section 126.02 of the Revised Code, a request for funding for such activities from an alternative source such that further

federal disallowances would not be required.

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

SECTION 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

SECTION 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

SECTION 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS

Notwithstanding section 113.09 of the Revised Code, the Director of

Budget and Management may designate any fund within the state treasury that receives federal revenue to be credited with investment earnings to comply with federal law.

SECTION 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2023, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

SECTION 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$200,000,000 cash, during the biennium ending June 30, 2023, from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund.

SECTION 509.25. TRANSFER FROM STATE PAY FOR SUCCESS FUND TO GENERAL REVENUE FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the State Pay for Success Fund (Fund 5VZ0) to the General Revenue Fund.

SECTION 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS

On October 1, 2021, or as soon as possible thereafter, the Director of Commerce and the Executive Director of the Board of Pharmacy shall consult with the Director of Budget and Management to determine a repayment schedule for the biennium ending June 30, 2023, to fully repay transfers on behalf of each agency from the Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). Payments made by the Department of Commerce and the Board of Pharmacy in accordance with this repayment schedule shall be credited to the General Revenue Fund.

SECTION 509.60. CASH TRANSFER FROM THE STATE FIRE MARSHAL FUND TO THE GENERAL REVENUE FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,500,000 cash from the State Fire Marshal Fund (Fund 5460) to the General Revenue Fund to reimburse the General Revenue Fund for the costs of providing MARCS fee offsets.

SECTION 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$15,000,000 cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0).

SECTION 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE TREATMENT AND PREVENTION FUND

Notwithstanding any provision of law to the contrary, in each fiscal year of the biennium ending June 30, 2023, the Director of Budget and Management may transfer up to \$5,000,000 cash from the General Revenue Fund to the Statewide Treatment and Prevention Fund (Fund 4750).

SECTION 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE COMMUNITY POLICE RELATIONS FUND

Notwithstanding any provision of law to the contrary, in fiscal year 2023, the Director of Budget and Management may transfer up to \$1,150,000 cash from the General Revenue Fund to the Statewide Community Police Relations Fund (Fund 5RS0).

SECTION 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED ADDICTION PROGRAM FUND

Notwithstanding any provision of law to the contrary, in each fiscal year of the biennium ending June 30, 2023, the Director of Budget and Management may transfer up to \$24,000,000 cash from the General Revenue Fund to the Targeted Addiction Program Fund (Fund 5TZ0).

SECTION 512.50. GENERAL REVENUE FUND TRANSFER TO STATE PAY FOR SUCCESS CONTRACT FUND

The Director of Budget and Management shall transfer \$1,200,000 cash from the General Revenue Fund to the State Pay for Success Contract Fund (Fund 5VZ0) on July 1, 2021, or as soon as possible thereafter.

SECTION 512.70. GENERAL REVENUE FUND TRANSFER TO FOUNDATION FUNDING - ALL STUDENTS FUND

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$500,000,000 cash in fiscal year 2022 and up to \$600,000,000 cash in fiscal year 2023 from the General Revenue Fund to the Foundation Funding - All Students Fund (Fund 5VS0), which is hereby created in the state treasury.

SECTION 512.73. GENERAL REVENUE FUND TRANSFER TO SCHOOL BUS PURCHASE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$50,000,000 cash from the General Revenue Fund to the School Bus Purchase Fund (Fund 5VU0).

SECTION 512.75. GENERAL REVENUE FUND TRANSFER TO ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC STIMULATION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$9,500,000 cash from the General Revenue Fund to the Electroencephalogram (EEG) Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0).

SECTION 512.80. GENERAL REVENUE FUND TRANSFER TO AT HOME TECHNOLOGY PILOT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$250,000 cash from the General Revenue Fund to the At Home Technology Pilot Fund (Fund 5XT0), which is hereby created in the state treasury.

SECTION 512.100. GENERAL REVENUE FUND TRANSFER TO MEAT PROCESSING INVESTMENT FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$10,000,000 cash from the General Revenue Fund to the Meat Processing Investment Program Fund (Fund 5XX0), which is hereby created in the state treasury.

SECTION 512.110. GENERAL REVENUE FUND TRANSFER TO OHIO INCUMBENT WORKFORCE JOB TRAINING FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$45,000,000 cash from the General Revenue Fund to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0).

SECTION 512.120. GENERAL REVENUE FUND TRANSFER TO THE OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$7,000,000 cash from the General Revenue Fund to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0) to support the appropriations made for need-based financial aid to students who are enrolled in a state-supported community college, state community college, technical college, or an Ohio Technical Center in a program that may be completed in less than one year and for which a certificate or industry-recognized credential is awarded in an in-demand job.

SECTION 512.130. GENERAL REVENUE FUND TRANSFER TO SPORTS EVENT GRANT FUND

On October 1, 2021, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the amount of cash available in the Sports Event Grant Fund (Fund 5UY0). The Director of Budget and Management shall transfer an amount of cash equal to the lesser of \$5,000,000 or an amount sufficient to restore the cash balance of Fund 5UY0 to \$10,000,000 from the General Revenue Fund to Fund 5UY0.

On June 1, 2023, or as soon as possible thereafter, the Director of

Development shall certify to the Director of Budget and Management the amount of cash available in Fund 5UY0. The Director of Budget and Management shall transfer an amount of cash equal to the lesser of \$5,000,000 minus the amount transferred under the previous paragraph or an amount sufficient to restore the cash balance of Fund 5UY0 to \$10,000,000 from the General Revenue Fund to Fund 5UY0.

SECTION 512.140. GENERAL REVENUE FUND TRANSFER TO THE SECOND CHANCE GRANT PILOT PROGRAM FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$3,000,000 cash from the General Revenue Fund to the Second Chance Grant Pilot Program Fund (Fund 5YD0), which is hereby created in the state treasury.

SECTION 512.150. GENERAL REVENUE FUND TRANSFER TO STATE PARK FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$13,950,000 cash from the General Revenue Fund to the State Park Fund (Fund 5120).

SECTION 512.160. GENERAL REVENUE FUND TRANSFER TO THE WORKFORCE AND HIGHER EDUCATION PROGRAMS FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$2,000,000 cash from the General Revenue Fund to the Workforce and Higher Education Programs Fund (Fund 5RA0).

SECTION 512.170. GENERAL REVENUE FUND TRANSFER TO COMMUNITY IMPROVEMENTS FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the General Revenue Fund to the Community Improvements Fund (Fund 5YC0), which is hereby created in the state treasury.

SECTION 512.180. GENERAL REVENUE FUND TRANSFER TO OSU EXTENSION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of

Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the OSU Extension Fund (Fund 5YB0), which is hereby created in the state treasury.

SECTION 512.190. GENERAL REVENUE FUND TRANSFER TO INFORMATION TECHNOLOGY DEVELOPMENT FUND

Upon the request of the Director of Administrative Services, the Director of Budget and Management may transfer up to \$6,000,000 cash in each fiscal year from the General Revenue Fund to the Information Technology Development Fund (Fund 5LJ0) to support the operations of the Office of InnovateOhio.

SECTION 512.200. GENERAL REVENUE FUND TRANSFER TO WILDLIFE FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$29,150,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015).

On July 1, 2022, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$550,000 cash from the General Revenue Fund to the Wildlife Fund (Fund 7015).

SECTION 512.210. GENERAL REVENUE FUND TRANSFER TO THE OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$230,000,000 cash from the General Revenue Fund to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).

On July 1, 2022, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000,000 cash from the General Revenue Fund to the Ohio Residential Broadband Expansion Grant Program Fund (Fund 5GT0).

SECTION 512.220. GENERAL REVENUE FUND TRANSFER TO OHIOCORPS FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$150,000 cash from the General Revenue Fund to the OhioCorps Fund (Fund 5UKO).

On June 30, 2022, or as soon as possible thereafter, the Director of Budget Management shall transfer the cash balance in the OhioCorps Fund (Fund 5UK0) to the General Revenue Fund.

SECTION 512.230. GENERAL REVENUE FUND TRANSFER TO THE BROWNFIELD REMEDIATION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$350,000,000 cash from the General Revenue Fund to the Brownfield Remediation Fund (Fund 5YE0).

SECTION 512.240. GENERAL REVENUE FUND TRANSFER TO THE BUILDING DEMOLITION AND SITE REVITALIZATION FUND

On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000,000 cash from the General Revenue Fund to the Building Demolition and Site Revitalization Fund (Fund 5YF0).

SECTION 513.10. FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2021. Notwithstanding any provision of law to the contrary, except for the transfers listed in this section, the surplus shall remain in the General Revenue Fund. The Director shall transfer cash, not to exceed the amount of the surplus revenue from the General Revenue Fund in the following order:

(A) Up to \$1,200,000,000 cash to the Health and Human Services Fund (Fund 5SA4);

(B) Up to \$100,000,000 cash to the Investing in Ohio Fund (Fund 5XM0);

(C) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20);

(D) Up to \$25,000,000 cash to the Emergency Purposes Fund (Fund 5KM0);

(E) Up to \$25,000,000 cash to the Disaster Services Fund (Fund 5E20);
and

(F) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund (Fund 5BX0).

SECTION 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND
ENDING BALANCE

Notwithstanding section 131.44 of the Revised Code, the cash balance of the General Revenue Fund on June 30, 2022, shall remain in the General Revenue Fund.

SECTION 514.10. UTILITY RADIOLOGICAL SAFETY BOARD
ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 101,130 \$	101,130
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,300,000 \$	1,300,000
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 325,370 \$	332,287
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,368,624 \$	1,378,304

SECTION 516.10. CASH TRANSFERS AND ABOLISHMENT OF
FUNDS

(A) On July 1, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

User	Transfer from:	Transfer to:
Agency	Fund Fund Name	Fund Fund Name
AG0	5L50 Law Enforcement Assistance Fund	4210 Peace Officer Training Academy Fee
AGO	5MP0 Peace Officer Training Commission Fund	5LR0 Ohio Law Enforcement Training Fund
DDD	5QM0 System Transformation Supports	5GE0 Operating and Services
DNR	2040 Information Services	1570 Central Support Indirect Chargeback
DNR	2050 Human Resources Direct Services	1570 Central Support Indirect Chargeback
DNR	2230 Law Enforcement Administration	1570 Central Support Indirect Chargeback
DNR	6350 Fountain Square Management	1570 Central Support Indirect Chargeback
DPS	3290 Disaster Services Plan and Grant Administration	3370 Disaster Relief Fund
DPS	3N50 US DOE Grant	3370 Disaster Relief Fund
EDU	3FD0 Race to the Top	GRF GRF
EDU	4550 Commodity Foods Fund	1380 Computer Services Fund
MCD	5SC0 Medicaid Services – Physical UPL	5AN0 Care Innovation and Community Improvement Program

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name
DPS	3DU0	Public Safety Federal Grants
DPS	3FK0	Justice Assistance Grant FFY11
DPS	3FY0	Justice Assistance Grant FFY12
DPS	3FZ0	Justice Assistance Grant FFY13
DPS	3GA0	Justice Assistance Grant FFY15

SECTION 516.20. ABOLISHMENT OF CITIZENS EDUCATION

FUND

(A) On July 1, 2021, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance of, and existing encumbrances against, the Citizens Education Fund (Fund 4140). The Secretary of State shall specify the sources of revenue that make up the remaining cash balance in the fund.

(B) Upon receipt of the certification required in division (A) of this section, the Director of Budget and Management shall (1) cancel any existing encumbrances against Fund 4140 appropriation item 050602, Citizen Education Fund and (2) return the remaining amounts in Fund 4140 to their original sources as identified by the Secretary of State in division (A) of this section. Upon the cancellation of encumbrances and the return of the cash in the fund to the original sources, Fund 4140 is hereby abolished.

SECTION 518.10. (A) As used in Sections 518.10 to 518.16 of this act:

(1) "Business certification programs" means the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, the Veteran-friendly Business Procurement program, and the contractor compliance program.

(2) "Contractor compliance program" means the program administered before July 1, 2021, by the Department of Administrative Services, under which a person desiring to bid on a public improvements contract under Chapter 153. or 5525. of the Revised Code may apply to certify that the person is compliant with state and federal affirmative action programs in order to be eligible for the contract, as described in sections 9.47 and 153.59 of the Revised Code, and under which all contractors from whom the state makes purchases are required to have an affirmative action plan and file that plan with the state in accordance with section 125.111 of the Revised Code.

(B) On July 1, 2021, the administration of the business certification programs shall be transferred from the Department of Administrative Services to the Department of Development.

(C) Business related to the business certification programs commenced but not completed by the Department of Administrative Services on July 1, 2021, shall be completed by the Department of Development, as appropriate, in the same manner, and with the same effect, as if completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Development or the Department of Development, as appropriate.

(D) The rules, orders, and determinations of the Department of Administrative Services pertaining to the business certification programs continue in effect as rules, orders, and determinations of the Department of Development until modified or rescinded by that agency.

(E) No judicial or administrative action or proceeding pending on July 1, 2021, is affected by the transfer of functions related to the business certification programs from the Director of Administrative Services or the Department of Administrative Services to the Director of Development or the Department of Development, and those actions related to the administration of these programs shall be prosecuted or defended in the name of the Director of Development or the Department of Development, as appropriate. On application to the court or other tribunal, the Director of Development or the Department of Development, whichever is appropriate, shall be substituted as a party in such actions and proceedings.

(F) When the Equal Employment Coordinator, the Director of Administrative Services, or the Department of Administrative Services is referred to in any rule, contract, grant, or other document related to the administration of the business certification programs, the reference is deemed to refer to the Director or Department of Development, as appropriate.

(G) The Director of Development, not later than September 1, 2023, and with the cooperation of the Director of Administrative Services, shall submit a report to the General Assembly and to the Governor regarding the effects of transferring the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, and the Veteran-friendly Business Procurement program from the Department of Administrative Services to the Department of Development. The report shall include all of the following:

(1) Data regarding the number of businesses certified as participants in each applicable business certification program from the period beginning July 1, 2021, and ending on July 1, 2023, compared to the number certified in the two years before July 1, 2021, by the Department of Administrative Services, if that data is available.

(2) Data regarding the number of days required to complete the certification process for each applicable applicant to each business certification program during the period beginning July 1, 2021, and ending on July 1, 2023, compared to the number of days required to complete the certification process for each applicant during the two years before July 1, 2021, by the Department of Administrative Services, if that data is available.

(3) Information regarding the number of employees transferred and the

number of employees laid off pursuant to Section 518.12 of this act.

(4) The number of complaints received by the Department of Development from applicants to the applicable business certification programs, regarding the application and certification process, during the period beginning July 1, 2021, and ending on July 1, 2023, compared to the number received in the two years before July 1, 2021, by the Department of Administrative Services, if that data is available.

SECTION 518.11. Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the transfer of the business certification programs from the Department of Administrative Services to the Department of Development and the reassignment of certain functions and duties of the Department of Administrative Services by this act are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

SECTION 518.12. (A) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, those employees of the Department of Administrative Services who administer the business certification programs are transferred to the Department of Development.

(B)(1) During the period beginning July 1, 2021, and ending June 30, 2022, the Director of Development may establish, change, and abolish positions of the Department of Development and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (B)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in division (B)(1) of this section, the Director of Development, or in the case of transfer outside the Department of Development, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Actions taken by the Director of Development pursuant to division (B)(1) of this section are not subject to appeal to the State Personnel Board

of Review.

SECTION 518.13. The Director of Development may enter into one or more contracts with private or government entities for staff training and development to facilitate the transfer of staff and duties related to the business certification programs from the Department of Administrative Services to the Department of Development. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

SECTION 518.14. Notwithstanding division (D) of section 127.14 and section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of the Director of Development, increase appropriations for any fund, as necessary, to assist in paying either or both of the following as a result of the transfer described in Sections 518.10 to 518.13 of this act: (1) The costs of increases in employee compensation that occur on or after July 1, 2021, pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code; (2) The costs of salary increases on or after July 1, 2021, for employees who are exempt from collective bargaining that are provided under law. Such amounts are hereby appropriated.

SECTION 518.15. (A) Notwithstanding any provision of the law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes made necessary by the transfer described in Section 518.10 of this act, including administrative organization, program transfers, the renaming of funds, the creating of new funds, the transfer of state funds and the consolidation of funds as authorized by Section 518.10 of this act. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2021 and 2022 in the appropriate fund and appropriation items for the same purpose and for payment to the same vendor. The established encumbrances are hereby appropriated.

(B) All records, documents, files, equipment, assets, and other materials of the business certification programs are transferred from the Department of Administrative Services to the Department of Development.

SECTION 518.16. (A) On and after July 1, 2021, the Director of the

Legislative Service Commission shall renumber the rules of the Department of Administrative Services set forth in Chapter 123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of the Ohio Administrative Code to reflect their transfer to the Department of Development.

(B) Notwithstanding section 121.95 of the Revised Code, any new rules or amendments to the rules implementing sections 122.921, 122.922, 121.924, or 122.925 of the Revised Code that are proposed before June 30, 2023, are not subject to division (F) of section 121.95 of the Revised Code.

SECTION 518.20. On the effective date of this section, the Development Services Agency is renamed the Department of Development and the Director of Development Services is redesignated the Director of Development.

All of the Development Services Agency's rules, orders, and determinations continue in effect as rules, orders, and determinations of the Department of Development until modified or rescinded by the Department. All employees of the Development Services Agency continue with the Department of Development and retain their positions and all benefits accruing thereto. Except as otherwise noted in law, whenever the Development Services Agency or the Director of Development Services is referred to in a statute, rule, contract, or other instrument, the reference is deemed to refer to the Department of Development or to the Director of Development, whichever is appropriate in context. No pending action or proceeding being prosecuted or defended in court or before an agency by the Development Services Agency or by the Director of Development Services is affected by the renaming and shall be prosecuted or defended in the name of the Department of Development or the Director of Development, whichever is appropriate. Upon application to the court or agency, the Department of Development or the Director of Development shall be substituted.

SECTION 518.30. (A) On December 30, 2021, the Southern Ohio Agricultural Community Development Foundation is hereby abolished. The Department of Agriculture is successor to and assumes any remaining obligations and authority of the Foundation. Any business commenced, but not completed by the Foundation, shall be completed by the Department in the same manner and with the same effect as if completed by the

Foundation. Any validation, right, cure, privilege, remedy, obligation, or liability is not lost or impaired solely by this abolishment and shall be administered by the Department. Any action or proceeding pending on the effective date of this section is not affected by the abolishment of the Foundation and shall be defended in the name of the Department. In all such actions and proceedings, the Department may be substituted as a party upon application to the court or other tribunal.

(B) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall designate the positions and employees of the Foundation, if any, to be transferred to the Department. Any employee transferred to the Department retains the employee's respective classification. However, the Department may reassign and reclassify the employee's position and compensation as the Department determines to be in the best interest of the Department. The Department shall assist with and provide payment for the filing fees of any required financial disclosure statements of members of the board of trustees or employees of the Foundation for calendar year 2021.

(C) Notwithstanding section 145.297 of the Revised Code, the Department may, at the Department's discretion and with the approval of the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Foundation who are members of the Public Employee Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until December 29, 2021.

(D) On or before December 30, 2021, all equipment, assets, supplies, records, and other property of the Foundation are transferred to the Department of Agriculture or shall be disposed of in a lawful manner.

(E) On December 30, 2021, all rules of the Foundation are hereby rescinded.

(F) On December 30, 2021, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of the transfer, the Southern Ohio Agricultural and Community Development Operating Expenses Fund (Fund 5M90) is hereby abolished. The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 945601, Operating Expenses, and re-establish them against 700636, Ohio Proud Marketing. The re-established amounts are hereby appropriated.

On December 30, 2021, or as soon as possible thereafter, the Treasurer

of State shall remit the cash balance of the Southern Ohio Agricultural and Community Development Foundation Endowment Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion of this remittance, the Southern Ohio Agricultural and Community Development Foundation Endowment Fund is hereby abolished.

No cash transferred or remitted under this division shall be used to hire an executive agency lobbyist as defined under section 121.60 of the Revised Code, or a legislative agent, as defined under section 101.70 of the Revised Code.

(G) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall, in consultation with the Department of Administrative Services and the Office of Budget and Management, attend to any matters associated with winding up the affairs of the Southern Ohio Agricultural and Community Development Foundation including but not limited to coordination of a final audit of the Foundation. If it is determined by the Director of Agriculture that additional appropriation is necessary in appropriation item 945601, Operating Expenses, or after December 30, 2021, in appropriation item 700636, Ohio Proud Marketing, to wind up the affairs of the Foundation including to pay for any final audit or other expenditures of the Foundation, the Director of Agriculture shall certify the amount of additional appropriation needed to the Director of Budget and Management. Upon the approval of the Director of Budget and Management, amounts up to those certified by the Director of Agriculture are hereby appropriated for that purpose.

(H) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management may make accounting and budgeting changes necessary to effectuate this section. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2022 and 2023 in the appropriate fund and appropriation item for the same purpose and for payment to the same vendor.

SECTION 520.10. Money distributed to Guernsey County from the Administrative Building Fund (Fund 7026) appropriation item C76027, Southeast Ohio Emergency Responder Facility, under H.B. 562 of the 127th General Assembly may alternatively be used by Guernsey County to support Deerassic Park Education Center.

SECTION 610.02. That Section 8 of S.B. 18 of the 134th General

Assembly be amended to read as follows:

Sec. 8. The election authorized under section 4141.321 of the Revised Code to withhold state income taxes applies to unemployment compensation benefits paid on or after January 1, ~~2022~~ 2023.

On or before December 1, ~~2021~~ 2022, the Director of Job and Family Services shall notify each individual that was receiving on that date, and that continues to receive, unemployment compensation benefits and that made an election under division (B) of that section with respect to federal income tax that the individual may elect to have state income tax withheld from those benefits for benefits paid on or after January 1, ~~2022~~ 2023, in accordance with that division. Such an election is not a change in withholding status for the purpose of division (A)(4) of that section.

SECTION 610.03. That existing Section 8 of S.B. 18 of the 134th General Assembly is hereby repealed.

SECTION 610.04. That Section 5 of H.B. 123 of the 133rd General Assembly be amended to read as follows:

Sec. 5. (A) As used in this section:

(1) "Eligible internet- or computer-based community school" means the following:

(a) For fiscal year 2021, an internet- or computer-based community school that was designated for the 2019-2020 school year as an internet- or computer-based community school in which a majority of the students were enrolled in a dropout prevention and recovery program and satisfies both of the following conditions:

~~(a)(i)~~ The school does not have a for-profit operator;

~~(b)(ii)~~ The school received a rating of "exceeds standards" on the combined graduation component of the most recent report card issued for the school under section 3314.017 of the Revised Code.

(b) For fiscal years 2022 and 2023, an internet- or computer-based community school that participated in the program for fiscal year 2021.

(2) "Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021."

(3) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(B) The Department of Education shall establish a pilot program to provide additional funding for students enrolled in grades eight through

twelve in eligible internet- or computer-based community schools for fiscal ~~year~~ years 2021, 2022, and 2023. An eligible internet- or computer-based community school may choose to participate in the program by notifying the Department of Education not later than ten days after ~~the effective date of this section~~ December 21, 2020.

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the Department of Education shall require each eligible internet- or computer-based community school that chooses to participate in the pilot program to report all information that is necessary to make payments under division (D) of this section.

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the Department shall calculate an additional payment for each eligible internet- or computer-based community school that chooses to participate in the pilot program, as follows:

(1) Compute the lesser of the following for each student enrolled in grades eight through twelve:

(a) The formula amount X the maximum full-time equivalency for the portion of the school year for which the student is enrolled in the school;

(b) The sum of the following:

(i) A one-time payment of \$1,750. In the case of a student enrolled in the school for the first time for the 2020-2021, 2021-2022, or 2022-2023 school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student is considered to be enrolled in the school in accordance with division (H)(2) of section 3314.08 of the Revised Code, provided the student has been continuously enrolled in the school during that time, as determined by the Department. In the case of a student that was enrolled in the school for the 2019-2020, 2020-2021, or 2021-2022 school year, payment shall be made under division (D)(1)(b)(i) of this section at least thirty days after the student has started to participate in learning opportunities for the 2020-2021, 2021-2022, or 2022-2023 school year, provided the student has been continuously enrolled in the school during that time, as determined by the Department.

(ii) The formula amount X (1/920) X the lesser of the number of hours the student participates in learning opportunities in that fiscal year or 920;

(iii) The lesser of (\$500 X either the number of courses completed by the student in that fiscal year, in the case of a student enrolled in grade eight, or the number of credits earned by the student in that fiscal year, in the case of a student enrolled in grades nine through twelve) or \$2,500.

(2) Compute the sum of the amounts calculated under division (D)(1) of this section for all students enrolled in grades eight through twelve.

(3) Compute the school's payment in accordance with the following formula:

The amount determined under division (D)(2) of this section) - (the total amount paid to the school for the fiscal year 2024 for which the payment is calculated under this section under division (C)(1)(a) of section 3314.08 of the Revised Code for students enrolled in grades eight through twelve)

If the amount computed under division (D)(3) is a negative number, the school shall not receive a payment under this section.

(E)(1) The Department shall complete a review of the enrollment of each eligible internet- or computer-based community school that chooses to participate in the pilot program in accordance with division (K) of section 3314.08 of the Revised Code. If the Department determines a school has been overpaid based on a review completed under division (E)(1) of this section, the Department shall require a repayment of the overpaid funds and may require the school to establish a plan to improve the reporting of enrollment.

(2) The Department may require each eligible internet- or computer-based community school that chooses to participate in the pilot program to create a debt reduction plan approved by the school's sponsor, if determined appropriate by the Department.

(3) To the extent that an eligible internet- or computer-based community school that chooses to participate in the pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 school year, a percentage of student engagement in learning opportunities that was less than sixty-five per cent, the school shall provide to the Department a meaningful plan for increasing student engagement.

(4) All eligible internet- or computer-based community schools that choose to participate in the pilot program shall implement programming or protocol which documents enrollment and participation in learning opportunities in order to participate in the program.

(F) Upon completion of the pilot program, and not later than December 31, ~~2024~~ 2022, the Department shall issue a report on the program. For purposes of this report, the Department may request each eligible internet- or computer-based community school that chooses to participate in the pilot program to submit information to the Department on any of the following:

(1) The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;

(2) The time and cost associated with providing counseling and other supports to students;

(3) Student enrollment and participation data;

- (4) Individualized student plans;
- (5) An assessment of strategies used to improve student engagement and the percentage of participation in learning opportunities
- (6) Any other data the Department considers relevant.

The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.

SECTION 610.05. That existing Section 5 of H.B. 123 of the 133rd General Assembly is hereby repealed.

SECTION 610.10. That Section 733.61 of H.B. 166 of the 133rd General Assembly be amended to read as follows:

Sec. 733.61. (A) Notwithstanding section 3319.236 of the Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through the 2022-2023 school ~~years~~ year only, a school district, community school established under Chapter 3314. of the Revised Code, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code may permit an individual who holds a valid educator license in any of grades seven through twelve to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal that provides content knowledge specific to the course the individual will teach. The superintendent or principal shall approve any professional development program endorsed by the organization that creates and administers the national Advanced Placement examinations as appropriate for the course the individual will teach.

(B) Nothing in this section shall permit an individual described in division (A) of this section to teach a computer science course in a school district or school other than the school district or school that employed the individual at the time the individual completed the professional development program required by that division.

(C) Beginning July 1, ~~2024~~ 2023, a school district or public school shall permit an individual to teach a computer science course only in accordance with section 3319.236 of the Revised Code.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in

this section, "computer science course" means any course that is reported in the education management information system established under section 3301.0714 of the Revised Code as a computer science course.

SECTION 610.11. That existing Section 733.61 of H.B. 166 of the 133rd General Assembly is hereby repealed.

SECTION 610.115. That Section 29 of H.B. 197 of the 133rd General Assembly be amended to read as follows:

Sec. 29. (A) Notwithstanding section 718.011 of the Revised Code, and for the purposes of Chapter 718. of the Revised Code, during the period of the emergency declared by Executive Order 2020-01D, issued on and after March 9, 2020, and for thirty days after the conclusion of that period but before January 1, 2022, any day on which an employee, in response to the COVID-19 pandemic, performs personal services at a location, including the employee's home, to which the employee is required to report for employment duties because of the declaration or other location that is not the employee's principal place of work shall be deemed to be a day performing personal services at the employee's principal place of work.

(B) Nothing in this section prohibits an employer from assigning an employee to a new or different work location that may result in a change to the employee's principal place of work during the time period described in division (A) of this section.

(C) Nothing in this section prohibits an employer from withholding tax on an employee's qualifying wages in accordance with section 718.03 of the Revised Code.

(D) On and after January 1, 2021, this section applies only for the purposes of municipal income tax withholding under section 718.011 of the Revised Code and for apportioning or situsing the employer's net profit under section 718.02 or 718.82 of the Revised Code and not for purposes of determining the location at which a nonresident employee's work was completed, services were performed or rendered, or activities were conducted for the purpose of determining the employee's municipal income tax liability.

SECTION 610.116. That existing Section 29 of H.B. 197 of the 133rd General Assembly is hereby repealed.

SECTION 610.1165. That Sections 4 and 5 of S.B. 276 of the 133rd General Assembly be amended to read as follows:

Sec. 4. Section 3 of S.B. 276 of the 133rd General Assembly shall take effect on ~~January 1~~February 11, 2022.

Sec. 5. The repeal of a statute by S.B. 276 of the 133rd General Assembly shall not affect an action commenced, proceeding brought, or right accrued prior to ~~January 1~~February 11, 2022.

SECTION 610.1166. That existing Sections 4 and 5 of S.B. 276 of the 133rd General Assembly are hereby repealed.

SECTION 610.117. That Section 2 of H.B. 308 of the 133rd General Assembly be amended to read as follows:

Sec. 2. (A) The Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with the entities listed in division (B) of this section, shall have prepared by its actuary or a disinterested third-party actuary an actuarial valuation of the funding requirements of the state post-traumatic stress fund established by section 126.65 of the Revised Code, as enacted by Section 1 of ~~this act~~ H.B. 308 of the 133rd General Assembly. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The Board shall be reimbursed by the Office of Budget and Management for up to five hundred thousand dollars for the expenses incurred in preparing the study. The actuary shall prepare a report of the actuarial analysis, which shall include only the following:

(1) A description of lost wage compensation and medical benefit amounts evaluated;

(2) A description of the participant group or groups included in the report;

(3) A projection of the number of participants eligible for compensation and benefits from the fund;

(4) A projection of the potential claims per year;

(5) A projection of the average benefit amount based on weekly wage;

(6) A projection of the cost of health care and pharmacy benefits;

(7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and

public entities;

(8) A cost comparison as to which, if any, state retirement system or other administrator is best suited to administer the state post-traumatic stress fund;

(9) A review of how other states administer funds that are similar to the state post-traumatic stress fund;

(10) An analysis of whether an administrative appeals process is necessary or useful to the resolution of claims for compensation, benefits, or both from the state post-traumatic stress fund;

(11) If it is determined that an administrative appeals process is necessary or useful to the resolution of claims, an analysis of which entity is best suited to administer the process;

(12) An analysis of any other issue identified by the entities listed in division (B) of this section.

(B) With respect to the study and report required under division (A) of this section, the Board shall consult with all of the following entities:

- (1) The Ohio Chamber of Commerce;
- (2) The National Federation of Independent Business;
- (3) The Ohio Manufacturers' Association;
- (4) The County Commissioners Association of Ohio;
- (5) The Ohio Township Association;
- (6) The Ohio Municipal League;
- (7) The Fraternal Order of Police of Ohio;
- (8) The Ohio Association of Professional Firefighters;
- (9) The Public Employees Retirement Board;
- (10) The State Teachers Retirement Board;
- (11) The School Employees Retirement Board;
- (12) The State Highway Patrol Retirement Board.

(C) The study and report required under division (A) of this section shall be completed not later than ~~October 1~~ December 15, 2021. Copies of the report shall be transmitted to the Board of Trustees of the Ohio Police and Fire Pension Fund, the Director of Budget and Management, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate immediately on its availability.

SECTION 610.118. That existing Section 2 of H.B. 308 of the 133rd General Assembly is hereby repealed.

SECTION 610.14. That Sections 213.10, 221.10, 221.13, 223.10, 223.15,

223.50, 227.10, 233.10, and 237.13 of S.B. 310 of the 133rd General Assembly be amended to read as follows:

Sec. 213.10.

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Building Improvement Fund (Fund 5KZ0)

C10035	Building Improvement	\$	33,054,775
TOTAL	Building Improvement Fund	\$	33,054,775

Administrative Building Taxable Bond Fund (Fund 7016)

C10041	MARCS - Taxable	\$	7,093,977
<u>C10044</u>	<u>Lorain County MARCS Tower/Sheffield Lake</u>	<u>\$</u>	<u>150,000</u>
<u>C10046</u>	<u>Richland County MARCS Tower</u>	<u>\$</u>	<u>400,000</u>
<u>C10047</u>	<u>Fredericksburg MARCS Tower</u>	<u>\$</u>	<u>500,000</u>
<u>C10048</u>	<u>Williams County MARCS Tower</u>	<u>\$</u>	<u>250,000</u>
TOTAL	Administrative Building Taxable Bond Fund	\$	<u>7,093,977</u>
			<u>8,393,977</u>

Administrative Building Fund (Fund 7026)

C10034	Aronoff Center Systems Replacements & Upgrades	\$	375,000 <u>775,000</u>
C10042	IT Projects	\$	11,000,000
TOTAL	Administrative Building Fund	\$	11,375,000 <u>11,775,000</u>

TOTAL ALL FUNDS		\$	<u>51,523,752</u>
			<u>53,223,752</u>

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM

There is hereby continued a Multi-Agency Radio Communications System (MARCS) Steering Committee consisting of the designees of the Directors of Administrative Services, Public Safety, Natural Resources, Transportation, Rehabilitation and Correction, and Budget and Management, and the State Fire Marshal or the State Fire Marshal's designee. The Director of Administrative Services or the Director's designee shall chair the Committee. The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.

The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.

The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning

and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds. Expenditures from this appropriation shall not be subject to Chapters 123. and 153. of the Revised Code.

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

Mental Health Facilities Improvement Fund (Fund 7033)

C58001	Community Assistance Projects	\$	47,709,000
			<u>47,959,000</u>
C58007	Infrastructure Renovations	\$	48,104,800
C58048	Community Resiliency Projects	\$	14,200,000
TOTAL Mental Health Facilities Improvement Fund		\$	110,013,800
			<u>110,263,800</u>
TOTAL ALL FUNDS		\$	110,013,800
			<u>110,263,800</u>

Sec. 221.13. COMMUNITY ASSISTANCE PROJECTS

Capital appropriations in ~~this act~~ S.B. 310 of the 133rd General Assembly made from appropriation item C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 and other applicable sections of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, ~~\$15,409,000~~ \$14,659,000 shall be used to support the projects listed in this section.

Project List

Comprehensive Addiction Center	\$4,500,000
Bellefaire JCB Pediatric Psychiatric Hospital and Autism School	\$1,000,000
Restoration of Mental Health Diversion Center	\$1,000,000
Sheakley Day Treatment	\$934,000
Cleveland Clinic Akron General	\$700,000
One Step Closer to Home	\$650,000
Stella Maris	\$500,000
Faith Mission Shelter Renovations	\$400,000
Ohio Veterans Drug and Transcranial	\$400,000
Magnetic Stimulation Treatment	
Providence House	\$400,000

Applewood Center - Jones Home Campus	\$350,000
New Beginnings Community-Based Residential Treatment	\$350,000
Sr. Ignatia Heritage and Reflection Center	\$300,000
Blessing House Facility	\$250,000
Cedar Hills Transformation Camp	\$250,000
City of Lakewood - Mental Health and Addiction Services Support Space	\$250,000
<u>Cleveland Rape Crisis Centers</u>	<u>\$250,000</u>
Washington County Recreation and Support Center	\$200,000
(Cocoon) Comprehensive Advocacy Center for Survivors of Domestic and Sexual Violence	\$200,000
CommQuests Recovery Campus Improvements	\$200,000
West Dayton Community Services Center	\$200,000
Edna House	\$150,000
Meadow Center	\$150,000
The Haven of Portage County	\$150,000
Y-Haven	\$150,000
Forbes House Domestic Violence Project	\$120,000
Seven Hills Trauma Recovery Center	\$105,000
Family Unity Center	\$100,000
Save a Warrior Project	\$100,000
Cadence Care Network Family and Community Resource Center	\$50,000
Child Focus Day Treatment Facility	\$50,000
Grace House Akron, Inc.	\$50,000
Lighthouse Behavioral Health Solutions Outpatient Behavioral Health Clinic	\$50,000
Sanctuary on Sullivant	\$50,000
The Glenway Outpatient Treatment Center - Phase 3 (Final)	\$50,000
The Commons at Springfield	\$25,000
Women's Recovery Center	\$13,000
Lima Crossroads Crisis Centers	\$12,000

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES

Administrative Building Fund (Fund 7026)

C725D5 Fountain Square Building and \$4,000,000

	Telephone Improvement	
C725E0	DNR Fairgrounds Area Upgrades	\$1,000,000
C725N7	District Office Renovations	\$4,890,000
	TOTAL Administrative Building Fund	\$9,890,000
	Ohio Parks and Natural Resources Fund (Fund 7031)	
C72549	Facilities Development	\$14,370,000
C725E1	Local Parks Projects Statewide	\$4,875,750
C725E5	Project Planning	\$1,733,000
C725N8	Forestry Equipment	\$1,400,000
C725T3	Healthy Lake Erie Initiative	\$2,000,000
	TOTAL Ohio Parks and Natural Resources Fund	\$24,378,750
	Parks and Recreation Improvement Fund (Fund 7035)	
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$81,007,500
C725B2	Parks Equipment	\$5,456,250
C725C4	Muskingum River Lock and Dam	\$13,415,000
C725E2	Local Parks, Recreation, and Conservation Projects	\$64,453,745 <u>67,567,245</u>
C725E6	Project Planning	\$8,705,400
C725L8	Statewide Trails Program	\$3,200,000
C725N6	Wastewater/Water Systems Upgrades	\$18,440,000
C725R3	State Parks Renovations/Upgrades	\$18,614,784
C725R4	Dam Rehabilitation - Parks	\$42,585,000
C725U7	Eagle Creek Watershed Flood Mitigation	\$15,000,000
C725U8	Erosion Emergency Assistance	\$5,000,000
	TOTAL Parks and Recreation Improvement Fund	\$275,877,679 <u>278,991,179</u>
	Clean Ohio Trail Fund (Fund 7061)	
C72514	Clean Ohio Trail Fund	\$12,500,000
	TOTAL Clean Ohio Trail Fund	\$12,500,000
	TOTAL ALL FUNDS	\$322,646,429 <u>325,759,929</u>

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state

treasury to the credit of the fund from which the expenditure originated.

Sec. 223.15. The foregoing appropriation item C725E2, Local Parks, Recreation, and Conservation Projects, shall be used to support the projects listed in this section. An amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects.

Project List

<u>Baileys Bike Trail</u>	<u>\$ 2,000,000</u>
Smale Riverfront Par	\$ 1,700,000
Cincinnati Court Street Plaza	\$ 1,500,000
Galloway Sports Complex One Field Project	\$ 1,500,000
More Home to Roam	\$ 1,500,000
Columbus Zoo Conservation Education	\$ 1,000,000
Renovations	
Holmes County Park District Trail	\$ 1,000,000
Loveland Parking Facility	\$ 900,000
Conneaut Marina Improvement	\$ 850,000
The Foundry	\$ 850,000
Cleveland MetroParks Zoo	\$ 800,000
Euclid Waterfront Improvement Plan Phase II	\$ 800,000
Stubbs Park Improvements	\$ 800,000
Toledo Zoo Entry Complex and Tiger and Bear Exhibit	\$ 800,000
Auglaize Mercer Recreational Complex	\$ 750,000
Chippewa Lake Park Project	\$ 750,000
Hamilton Beltline Trail	\$ 750,000
Hudson Greenway Trail	\$ 750,000
Montgomery Quarter – Keystone Park	\$ 750,000
Sandusky Bay Pathway/Landing Park	\$ 750,000
<u>Scranton Trail Project</u>	<u>\$ 750,000</u>
Makino Park Inclusive Fields	\$ 675,000
Harbin Park Pavilion	\$ 550,000
Akron Zoo	\$ 500,000
Alum Creek and Olentangy Trail Connector	\$ 500,000
Flats East Bank Phase 3	\$ 500,000
Forest Lawn Flood Plain Restoration and Wildlife Trail	\$ 500,000
Great Miami River Recreation Bike Trail	\$ 500,000
Healey Creek Flood Mitigation	\$ 500,000
Jim Simmons Trail Reservoir Trail	\$ 500,000

Kurt Tunnell Memorial Trail	\$ 500,000
Massillon Reservoir Park Splash Pad	\$ 500,000
Medina Weymouth Community Center	\$ 500,000
Megaland Replacement Project	\$ 500,000
North Canton Performing Arts Park	\$ 500,000
North Ridgeville Millcreek Conservation and Flood Control Round 3	\$ 500,000
Oak Harbor Waterfront	\$ 500,000
Scioto River Bridge and Trail	\$ 500,000
Springbrook Gardens Park Recreational Facility	\$ 500,000
Jackson Township Tam O'Shanter Park	\$ 500,000
The Wilds Overlook Cafe'	\$ 500,000
The Wilds RV Park	\$ 500,000
Westlake Clague Park Playground Renovation	\$ 487,155
Chagrin River and Lake Erie Boat Access	\$ 475,000
Pymatuning Valley Greenway Project	\$ 450,000
Sunbury Ohio to Erie trail Design and Construction	\$ 450,000
Ripley Freedom Landing Boat Dock	\$ 425,000
Wadsworth Memorial Park Improvements	\$ 420,000
Education Center at Wild Hearts African Farm	\$ 400,000
Fairport Harbor Docks and Marina Project	\$ 400,000
Forest Run Metro Park Timberman Project	\$ 400,000
Geneva Memorial Field Improvements	\$ 400,000
Memorable Morrow	\$ 400,000
Thaddeus Kosciuszko Park	\$ 400,000
Worthington McCord Park Renovations	\$ 400,000
Adams County Welcome Center	\$ 350,000
Crestline Pool and Park	\$ 350,000
Gateway Regional Sports Complex	\$ 350,000
Orrville Park Gateway Project	\$ 350,000
Shelby Black Fork Commons Plaza	\$ 350,000
Sidney Canal Feeder Trail	\$ 350,000
Wright Patterson AFB Main Gate Park Land Acquisition	\$ 350,000
Lane Avenue Shared Use Path Project	\$ 338,000
Sheffield Village French Creek Project	\$ 325,000
Ashland Freer Field Improvements	\$ 300,000
Flying Squirrel Preserve Morrow County Parks Expansion	\$ 300,000

Hayden Run Trail Extension	\$ 300,000
Lafayette Township Park Improvements	\$ 300,000
Little Miami River Access at Bass Island	\$ 300,000
Magic Mile Trail	\$ 300,000
Marshallville Preserve	\$ 300,000
Portage Lakes Drive Community Park	\$ 300,000
Rossford Marina and Veterans Memorial Park	\$ 300,000
Safety Renovations	
Alliance Park System Improvements	\$ 250,000
Canal Fulton Park Phase 2	\$ 250,000
Cave Lake Center for Community Leadership	\$ 250,000
Clay Township Park Pavilion & Playground	\$ 250,000
Improvements	
Conneaut Township Park Project	\$ 250,000
Cooper Lodge, Camp Lakota	\$ 250,000
Diamond Park	\$ 250,000
E. Milo Beck Park-Clearcreek Park-Hazel Woods	\$ 250,000
Connector Trail	
Faircrest Park Improvements	\$ 250,000
First Ladies' Library Improvements	\$ 250,000
Geneva-on-the-Lake Bike Trail	\$ 250,000
Heights to Hudson Trail	\$ 250,000
J. Babe Stern Ball Field	\$ 250,000
Kalida 4 Seasons Community Health/Fitness	\$ 250,000
Track	
Metzger Park Project	\$ 250,000
Millersport Canal Restoration - Phase I	\$ 250,000
Randolph Township Old School Playground	\$ 250,000
Recreational Field Improvements (Star Mill	\$ 250,000
Park)	
Wasson Way Uptown Connector Trail	\$ 250,000
Akron Children's Hospital	\$ 225,000
McDonald Commons Master Plan	\$ 215,000
Lawrence County Union Rome Trails and	\$ 214,000
Walkways	
<u>Bay Village Walker Road Retention Basin</u>	<u>\$ 212,500</u>
Ashland Main Street Town Square Park	\$ 200,000
Black River Community Multi-use Facility	\$ 200,000
Bradstreet's Landing Pier, Lakefront Access and	\$ 200,000
Resiliency Improvements	

Buckeye Lake Dredge	\$ 200,000
East Lincoln Street Connector Project	\$ 200,000
Elks CC Dam Repair Project	\$ 200,000
Holden Arboretum	\$ 200,000
Home Road Trail Extension	\$ 200,000
Kenton Memorial Park Golf Course Recreation Center	\$ 200,000
Kuliga Park Improvement Project Phase I	\$ 200,000
Lebanon Sports Complex Improvements	\$ 200,000
Lima All Ability Playground	\$ 200,000
Lorain County Metro Park Connector	\$ 200,000
Matthew Thomas Park Master Plan	\$ 200,000
Mayerson JCC Improvements	\$ 200,000
Munson Springs Nature Preserve & Historical Site	\$ 200,000
Opportunity Park Improvements	\$ 200,000
Perry Township Lakeshore Improvement Project	\$ 200,000
Red Brook Metropark Flagship Park	\$ 200,000
Shared Use Path Connector from Goosepond Road to the Licking County Health Department	\$ 200,000
Sheffield Village Trail	\$ 200,000
Sylvania Burnham Park Upgrade/Plummer Pool Renovations	\$ 200,000
Wellston Pride Park Revitalization Project Phase II	\$ 200,000
West Jefferson Park	\$ 200,000
Fort Jennings Freedom Square	\$ 175,000
Lebanon Bicentennial Park Restroom	\$ 175,000
McKelvey Lake Park	\$ 175,000
3 Rivers Peninsula Project	\$ 150,000
Antrim Community Center	\$ 150,000
Bronson Park Multi-use Path	\$ 150,000
Crescent Park Regional Universal Play Area	\$ 150,000
Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$ 150,000
Glass City Enrichment Center	\$ 150,000
Gorman Park Redevelopment Project	\$ 150,000
Grafton Reservoir Park Trail	\$ 150,000
Grandview Yard Recreational Trail	\$ 150,000
Harbin Park Loop Trail	\$ 150,000

Lancaster All Abilities Playground Accessible Sports Complex and Park	\$ 150,000
Little Hocking Community and Recreation Center	\$ 150,000
Moberly Branch Connector Trail	\$ 150,000
Delhi Township Neighborhood Playground Area	\$ 150,000
Ottawa Hills Recreation Field/Renovation	\$ 150,000
Ottawa Memorial Pool Improvements	\$ 150,000
Parker Square and Memorial Park Improvements Project	\$ 150,000
Pickerinton Soccer Association Facility Improvements	\$ 150,000
Piqua Downtown Riverfront Park Improvements	\$ 150,000
Powhatan Boat Ramp	\$ 150,000
Pump House Meadow and Mindfulness Trail	\$ 150,000
Rodger W. Young Park: Kiwanis Inclusive Play Park	\$ 150,000
Strongsville Ehrnfelt Center	\$ 150,000
Swanton Railroad Park	\$ 150,000
Horizon Education Playground Improvements	\$ 140,000
Lake Jinelle Rehabilitation Rehabilitation	\$ 140,000
Wadsworth Durling Park Improvements	\$ 135,000
Plymouth Community Pool	\$ 125,000
Henry County Park Board Bridge Project	\$ 125,000
Reagan Park and Trail	\$ 122,000
Freeman Road Park Project	\$ 115,000
Mary Rutan Tennis Court Project	\$ 115,000
Lodi's Richman Field Splash Pad	\$ 105,000
Avon Lake Weiss Field Park Pavilion Replacement Project	\$ 100,000
Avon Veterans Memorial Park Expansion	\$ 100,000
Caldwell Ice Rink Construction	\$ 100,000
Camp Butterworth	\$ 100,000
Camp Libbey	\$ 100,000
Camp Stoneybrook	\$ 100,000
Camp WhipPoorWill	\$ 100,000
Carlisle Township Veteran's Memorial	\$ 100,000
Central Avenue Pedestrian and Bike Trail	\$ 100,000
Circleville Ted Lewis Park Renovation	\$ 100,000
City of Brooklyn Trail Project	\$ 100,000

North Olmsted Clague Park Improvements	\$ 100,000
Columbia Township Wooster Pike Bike Trail	\$ 100,000
Concord Township Park Redevelopment Plan	\$ 100,000
Forest Park Central Park Improvements	\$ 100,000
Galion Park Square Renovation	\$ 100,000
Gratis Bicentennial Park	\$ 100,000
Great Stone Viaduct	\$ 100,000
Lisbon Greenway Bike Trail	\$ 100,000
Harvest Home Park Lodge 21st Century Improvements	\$ 100,000
Independence Civic Center Renovations	\$ 100,000
Lake to Lodge Accessible Trail Project at Burr Oak State Park	\$ 100,000
Lockbourne Magnolia Trail	\$ 100,000
Mayfield Village Civic Center Upgrades	\$ 100,000
Meigs County Pool	\$ 100,000
Miracle Field Complex	\$ 100,000
Mitchell Park Trail Connector	\$ 100,000
Perrysville Weltmer Park Upgrades	\$ 100,000
Poland Municipal Forest Restoration	\$ 100,000
Rock Creek Connector Trail	\$ 100,000
Rodger W. Young Park: Ball Diamond	\$ 100,000
Schultz Campus for Jewish Life: Family Recreation and Accessibility Enhancements	\$ 100,000
Stark County Firefighters Memorial Park	\$ 100,000
Summit Metro Parks	\$ 100,000
Village of Chagrin Falls Riverside Park Walking Path	\$ 100,000
Whitehall Community Park Revitalization	\$ 100,000
<u>Williams County West Unity Village Splash Pad</u>	<u>\$ 100,000</u>
Waldo Community Center Walking Bridge	\$ 99,000
Karohl Park CXT Restrooms	\$ 95,000
Hobson Freedom Park	\$ 95,000
Marion Township Greenway Phase 1	\$ 85,000
Stanbery Park Shelter	\$ 80,000
Lake Baccarat Richwood Park Improvements	\$ 76,739
Bramble Recreation Area Nature Playscape	\$ 75,000
Brecksville Blossom Hill Baseball Field Lighting	\$ 75,000
Buckeye Lake Crystal Lagoon	\$ 75,000
Geneva-on-the-Lake Shoreline Protection Project	\$ 75,000

Hiestand Woods Improvement Project	\$	75,000
Lela McGuire Jeffrey Park Soccer Complex	\$	75,000
Lisbon Park Walking Track	\$	75,000
McConnelssville Community Recreation Building	\$	75,000
Olmsted Falls Playground Enhancements	\$	75,000
Olmsted Township Brentwood Playground Development	\$	75,000
Renovate Existing Fitzwater Train Yard Operations Building	\$	75,000
Seven Hills Calvin Park Concession Project	\$	75,000
Summit Lake Vision Plan	\$	75,000
Van Wert Reservoir Trails	\$	75,000
Vermillion Lakefront Revitalization	\$	75,000
Village of Moreland Hills Forest Ridge Park Improvements	\$	75,000
Wapakoneta Veterans Memorial Park Splash Pad	\$	75,000
Wellsville Marina	\$	75,000
Ray Mellert Park	\$	71,000
Willard Park Playground	\$	60,000
Gloria Glens Park Improvements	\$	56,000
Heartland Trail	\$	55,000
Willadale Segment-Southgate Connector Trail	\$	55,000
Bay Village Interurban Pedestrian Bridge	\$	50,000
Chardon Living Memorial Park Improvements	\$	50,000
Earl Thomas Conley Park Improvements	\$	50,000
Fayette Normal Memorial Park Community Splash Pad	\$	50,000
Fox Island Inclusive Playground	\$	50,000
Harmar Pedestrian Bridge Restoration Project	\$	50,000
Jeromesville Square Park	\$	50,000
Jewish Federation of Greater Dayton Nature Trail	\$	50,000
Keener Park Renovations/Pickleball Courts	\$	50,000
Kent State and Stark State Campus Trail	\$	50,000
Kettlersville Village Park Improvement	\$	50,000
Lebanese Cultural Garden	\$	50,000
Leipsic Downtown Park and Stage	\$	50,000
Lyndhurst Inclusive and Accessible Playground Project	\$	50,000
Magnolia Flouring Mills Restoration	\$	50,000
Middleburg Heights Public Park Pavilions	\$	50,000

Project		
Milford Center Rail Depot	\$	50,000
Moscow Riverfront Stabilization	\$	50,000
Ohio and Erie Canal Way Towpath Trail	\$	50,000
Ohio Township Swimming Pool	\$	50,000
Perrysburg Inclusive Playground at Rotary Park	\$	50,000
Pomeroy Multimodal Path	\$	50,000
Red Cap Park Recreation Development	\$	50,000
Revitalization of Short Park	\$	50,000
Richwood Opera House	\$	50,000
Silverton Town Commons	\$	50,000
Stoner Pond at Ranger Park Fishing Dock	\$	50,000
Construction		
Uptown Ecological Corridor	\$	50,000
West Union Pedestrian Bike Path	\$	50,000
Wooster Memorial Splash Pad Park	\$	50,000
Thomas Lane Pocket Park Project	\$	46,740
Ault Park Improvements	\$	46,000
Carey Memorial Park Backsplash	\$	45,000
Headwaters Nature Trail	\$	45,000
Village of Lakemore Hinton Humniston Fitness	\$	45,000
Park Renovations		
Austin Badger Park Path	\$	43,000
African American Cultural Gardens	\$	40,000
Gallipolis City Pool	\$	40,000
Monroe Community Park Activity Center	\$	40,000
Nimisilla Park Excavating	\$	40,000
Rittman Youth Football Field	\$	40,000
Spencer JB Firestone Park	\$	40,000
Ashland County Corner Park Trail	\$	38,000
Jeromesville Community Garden	\$	35,000
Ray Mellert Dog Park Project	\$	35,000
Bradley Park Playground	\$	32,279
Kobak Baseball Field Lighting Project	\$	32,000
Perry Township Community Recreation Center	\$	30,000
Village of Weston Community Splash Pad	\$	30,000
Weston Reservoir Restoration	\$	30,000
<u>Sunny Lake Park Fishing Pier</u>	<u>\$</u>	<u>26,000</u>
New Richmond Liberty Landing Park	\$	25,000
East Liverpool Park Improvements	\$	25,000

Lucas Community Playground	\$	25,000
New Bremen STEM Waterway	\$	25,000
Rayland Friendship Park Restroom Project	\$	25,000
Smiley Park Ball Field Fencing	\$	25,000
Veterans Park of Wellsville	\$	25,000
Willshire Ballpark Enhancements	\$	25,000
Oakwood Community Park	\$	22,610
Cleveland Cultural Gardens - Rusin Garden	\$	22,000
Pirate Park Improvements	\$	21,000
Payne Buckeye Park	\$	20,500
Auglaize Village Handi-capable Heritage Trail	\$	20,000
Kenton Municipal Pool improvements	\$	20,000
Lyons Community Park Improvements	\$	20,000
Wakeman Trail Connector	\$	17,000
Lorain Pier Planning Project	\$	15,000
Alger Park Ballfield Backstop	\$	12,000
Outdoor Band Stage at Lucas Community Center	\$	10,000
Antwerp Riverside Park Fitness Trail	\$	7,500
New Bremen StoryWalk	\$	7,500
Melrose Park Renovation	\$	7,000
Grover Hill Welcome Park Playground	\$	5,598
Broughton Park Playground	\$	4,124

Sec. 223.50. The Treasurer of State is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.22, and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed ~~\$255,000,000~~ \$261,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Parks and Recreation Improvement Fund (Fund 7035) to pay the costs of capital facilities for parks and recreation purposes.

Sec. 227.10.

DPS DEPARTMENT OF PUBLIC SAFETY

Administrative Building Taxable Bond Fund (Fund 7016)

C76068	Lorain County MARCS Tower/Sheffield Lake	\$	150,000
C76071	Lewisburg MARCS Tower	\$	400,000
C76072	Richland County MARCS Tower	\$	400,000
C76073	Fredericksburg MARCS Tower	\$	250,000
C76074	Williams County MARCS Tower	\$	250,000
C76075	Bowling Green MARCS Tower	\$	500,000

TOTAL Administrative Building Taxable Bond Fund		\$ 1,950,000 <u>900,000</u>
Administrative Building Fund (Fund 7026)		
C76000	Platform Scales Improvements	\$ 350,000
C76035	Alum Creek Facility Renovations and Upgrades	\$ 950,000
C76036	ShIPLEY Building Renovations and Improvements	\$ 1,235,000
C76044	OSHP Headquarters/Post Renovations and Improvements	\$ 4,511,542
C76045	OSHP Academy Renovations and Improvements	\$ 325,000
C76049	EMA Building Renovations and Improvements	\$ 650,000
C76069	Medina County Safety Services Complex	\$ 400,000
C76070	Medina County Driving Skills Pad Garage	\$ 50,000
C76076	Ohio Task Force One (OH-TF1) Warehouse	\$ 50,000
TOTAL Administrative Building Fund		\$ 8,521,542
TOTAL ALL FUNDS		\$ 10,471,542 <u>9,421,542</u>

Sec. 233.10.

DYS DEPARTMENT OF YOUTH SERVICES

Juvenile Correctional Building Fund (Fund 7028)		
C47002	General Institutional Renovations	\$ 2,014,310
C47003	Community Rehabilitation Centers	\$ 434,428
C47007	Local Juvenile Detention Centers	\$ 1,037,570
C47022	Building Additions-CJCF	\$ 6,138,815
C47025	Cuyahoga Housing Replacement	\$ 23,320,304
C47026	Indian River Program Building	\$ 6,758,687
C47028	Paulding County Community-based Assessment Center	\$ 40,000
C47029	Cleveland Rape Crisis Centers	\$ 250,000
TOTAL Juvenile Correctional Building Fund		\$ 39,994,114 <u>39,744,114</u>
TOTAL ALL FUNDS		\$ 39,994,114 <u>39,744,114</u>

Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS

The foregoing appropriation item C230FM, Cultural and Sports Facilities Projects, shall be used to support the projects listed in this section.

Project List		
FC Cincinnati		\$ 16,000,000
Cleveland Museum of Natural History: Investing in Science Education		\$ 2,250,000
Rock and Roll Hall of Fame and Great Lakes Science Center		\$ 1,750,000
Cincinnati Art Museum Master Plan		\$ 1,400,000
Lima Rotary Stage and Park		\$ 1,250,000
Ohio Theatre Restoration		\$ 1,250,000
West End Community Parking Garage		\$ 1,250,000
Baum-Taft House		\$ 1,000,000
Cincinnati Ballet Center		\$ 1,000,000
Directing the Future: A New Stage for Cincinnati's National Theatre		\$ 1,000,000
Jeep Museum		\$ 1,000,000
Dayton Air Credit Union Ballpark		\$ 1,000,000
Imagination District		\$ 1,000,000
20/20 Canton Cultural Center Renovations		\$ 1,000,000
Northwood Community Recreation Center		\$ 1,000,000
Cleveland Museum of Art		\$ 750,000

Crawford Auto Aviation Museum	\$	750,000
Advancing Learning About Ohio in the Restored Cincinnati Union Terminal	\$	750,000
Stan Hywet Hall & Gardens	\$	750,000
Marion Palace Theatre	\$	550,000
Schine's Theatre Restoration	\$	500,000
Carnes Center	\$	500,000
BAYarts	\$	500,000
Restoration of James A. Garfield Memorial	\$	500,000
Columbus Historical Society Engine House #6	\$	500,000
Contemporary Arts Center Creativity Center	\$	500,000
SeaGate Convention Centre	\$	500,000
World Heritage and Visitor Center	\$	500,000
Hale Farm	\$	500,000
Marysville Avalon Theatre	\$	500,000
Louis Sullivan Building of Newark Restoration and Adaptive Reuse	\$	489,000
Lake Erie Nature and Science Center Wildlife Gardens Education Project	\$	450,000
Ariel Opera House Energy Efficiency and Safety Updates	\$	400,000
Cincinnati Opera House	\$	400,000
Imagination Station	\$	400,000
Arbogast Performing Arts Center	\$	400,000
OH WOW! The Roger and Gloria Jones Children's Center for Science and Technology	\$	350,000
Stambaugh Auditorium	\$	350,000
Washington Court House Auditorium	\$	325,000
Midland Theatre Project	\$	324,000
Harveysburg First Free Black School	\$	322,500
Champaign County Historical Museum	\$	300,000
Creating Our Future-The Campaign for Beck Center	\$	300,000
Barn at Stratford Roof Project	\$	300,000
Norwich Township Veterans Memorial Relocation Project	\$	300,000
Willoughby Amphitheater	\$	300,000
Museum of Clay Industry and Folk Art	\$	300,000
Logan Theater	\$	275,000
Butler Institute of American Art	\$	275,000
Springfield Museum of Art Renovation	\$	250,000
O.P. Chaney/Historic Mill	\$	250,000
Athletes in Action Chapel	\$	250,000
Holmes County Center for the Arts	\$	250,000
Norwalk Theater Rehabilitation Project	\$	250,000
Tam O'Shanter Renovations	\$	250,000
Heritage Hall and Education Center	\$	250,000
Columbus Museum of Art Accessibility Upgrades	\$	225,000
Ohio State Reformatory ADA Improvements	\$	225,000
Ohio State Reformatory Pedestrian Bridge	\$	225,000
Veterans Memorial Civic and Convention Center	\$	200,000
Loudonville Opera House Improvements	\$	200,000
Ohio Valley Museum of Discovery	\$	200,000
Grove City Outdoor Cultural Arts Performance Facility	\$	200,000
Grove City Historical Society Renovations	\$	200,000
South Point Community Center Update and Modernize	\$	200,000
Valentine Theatre HVAC System Upgrade	\$	200,000

McDowell-Phillips Home and Museum Preservation	\$	200,000
Protect Our Bones: Critical Infrastructure Improvements at the Boonshoft Museum	\$	200,000
SteAm Collaboratory at K12 Gallery & TEJAS	\$	200,000
Massillon Museum Mechanical Update	\$	200,000
Warren Community Amphitheater Renovations	\$	200,000
Niswonger Performing Arts Center Annex Project	\$	200,000
Peoples Bank Theatre	\$	200,000
Oak Street Theater Renovation	\$	200,000
Buckeye Agricultural Museum and Education Center	\$	194,538
Historic Township Hall Relocation and Restoration	\$	180,000
African American Museum	\$	150,000
FRONT: MidTown Arts Campus	\$	150,000
Karamu House Phase III	\$	150,000
Defiance Community Auditorium Renovation Project	\$	150,000
Arts Castle Roof Skylight Project	\$	150,000
Carnegie Center Historical Restorations	\$	150,000
Invisible Gallery	\$	150,000
Madison Place Fire House Renovation	\$	150,000
Greenfield Historical Society Restoration Project	\$	150,000
Toledo Museum of Art	\$	150,000
Clearview Museum	\$	150,000
Akron Art Museum	\$	150,000
Baldwin-Buss House Restoration	\$	150,000
Sally Buffalo Park Outdoor Stage	\$	140,000
Packard Music Hall	\$	140,000
Unionville Tavern Improvements	\$	125,000
Pickaway County Memorial Hall	\$	125,000
<u>Williams County Fountain City Amphitheater</u>	<u>\$</u>	<u>125,000</u>
Zanesville Museum of Art Critical Facility Repairs	\$	107,500
Wooster Amphitheater	\$	100,000
Broadview Heights Community Amphitheater	\$	100,000
City of Brook Park Municipal Campus Outdoor Amphitheater	\$	100,000
Maltz Museum of Jewish Heritage Reimagine Project	\$	100,000
North Royalton Memorial Park Amphitheater	\$	100,000
The Music Settlement Center for Innovation, Education, and Technology	\$	100,000
Jeffrey Mansion	\$	100,000
Minerva Park Amphitheater Restoration	\$	100,000
Rickenbacker Woods Museum	\$	100,000
Fayette Opera House Roof Replacement	\$	100,000
Covedale Center - Phase 6 Renovations	\$	100,000
Evendale Cultural Arts Center ADA Compliance	\$	100,000
Steubenville Grand Theater	\$	100,000
West Liberty Town Hall Opera House Community Center Restoration and Renovation	\$	100,000
Polish Cultural Center	\$	100,000
Battle of Buffington Island Civil War Battlefield Museum	\$	100,000
Meigs County Pioneer and Historical Society Renovations	\$	100,000
Twin City Opera House	\$	100,000
Gant Stadium Renovation	\$	100,000
Octagon House	\$	100,000
Circleville Historic City Hall Improvements	\$	100,000
Pickaway County Historical Society Museum	\$	100,000

Portage County Historical Society Renovation	\$	100,000
Camden Opera House Second Floor Renovation	\$	100,000
Southern Ohio War Memorial	\$	100,000
McKinley Presidential Library and Museum	\$	100,000
Stone Academy	\$	92,000
Morgan History Center Renovation	\$	85,000
Gerber Scribe Rule Barn Relocation	\$	80,000
Southeast Ohio History Center	\$	75,000
Muirfield Dr. Kinetic Arts Project	\$	75,000
Gallipolis Railroad Freight Station Museum	\$	75,000
Case-Barlow Farm Barn Improvements	\$	75,000
Convoy Opera House Facility Renovation	\$	75,000
Hune Covered Bridge Relocation	\$	75,000
Medina Historic District Lighting Project	\$	65,000
Burnison Barn	\$	64,000
Village Productions Building Renovations	\$	50,000
Fountain City Amphitheater	\$	50,000
Soap Box Derby Track Resurfacing and Sidewalks Additions and Upgrades	\$	50,000
Gaslight Theater	\$	50,000
Sorg Opera House	\$	50,000
Chagrin Falls Historical Society Campaign for the 1874 Italianate House	\$	50,000
Parma Heights Cultural and Recreation Center Renovation Phase II (Cassidy Theatre)	\$	50,000
Jewish Community Center JCC Youth Arts Project	\$	50,000
Monroe Theatre	\$	50,000
Freedom Township Historical Society of Portage County	\$	50,000
Mausoleum Repair	\$	50,000
John S. Knight Convention Center	\$	50,000
G.A.R. Hall ADA Accessibility	\$	50,000
Anchorage Building Climate Control Project	\$	50,000
<u>Wright Patterson Air Force Base Holocaust Museum</u>	<u>\$</u>	<u>50,000</u>
Grant Memorial Building Restoration	\$	40,000
William Lytle's Land Office at Harmony Hill	\$	40,000
Darke County Art Trail Initiative	\$	40,000
Ohio Glass Museum	\$	40,000
Wendel Concert Stage	\$	35,000
History of Weston, Historical Offerings	\$	30,000
Killbuck Valley Museum	\$	27,000
Indian Hills The Little Red School House	\$	25,000
Mt. Sterling Museum Improvements	\$	25,000
Heritage Farm Museum Improvement	\$	25,000
Piketon Liberty Memorial	\$	25,000
Wilderness Trail Museum Electrical Upgrade	\$	24,000
Stained Glass Window Restoration for the Wapakoneta Museum	\$	22,000
Packer Historical Center for the Anna District	\$	21,000
Shelby House Museum	\$	20,000
Spring Hill Historic Home	\$	20,000
Cortland Veterans Memorial Project (Phase II)	\$	20,000
Hicksville Huber Opera House	\$	15,000
Jackson Center Museum Building Improvements	\$	13,500
Crestline Historical Society	\$	10,000
Leipsic Recreation Center Improvements	\$	7,500

Jeromesville Totem Pole \$ 3,000

SECTION 610.15. That existing Sections 213.10, 221.10, 221.13, 223.10, 223.15, 223.50, 227.10, 233.10, and 237.13 of S.B. 310 of the 133rd General Assembly are hereby repealed.

SECTION 610.18. That Sections 207.28 and 223.15 (as amended by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 133rd General Assembly be amended to read as follows:

Sec. 207.28. CCC CUYAHOGA COMMUNITY COLLEGE

Reappropriations

Higher Education Improvement Fund (Fund 7034)		
C37805	Workforce Based Training and Equipment	\$239,439
C37838	Structural Concrete Repairs	\$473,275
C37839	Roof Repair and Replacements	\$187,234
C37840	Workforce Economic Development Renovations	\$65,788
C37844	Rock and Roll Hall of Fame Museum 2.0	\$400,000
C37852	East Campus Exterior Plaza	\$1,000
C37853	CWRU Dental Clinic Relocation	\$200,000
C37854	Cleveland Sight Center Health Record System Modernization	\$150,000
C37855	Harvard Community Services Center Improvements	\$75,000
C37856	MetroHealth West 25th Street Corridor Revitalization	\$750,000
C37859	Bay Village Emergency Boat Shelter	\$32,500
TOTAL Higher Education Improvement Fund		\$2,574,236 <u>2,541,736</u>
TOTAL ALL FUNDS		\$2,574,236 <u>2,541,736</u>

EAST CAMPUS EXTERIOR PLAZA

The amount reappropriated for the foregoing appropriation item C37852, East Campus Exterior Plaza, is the unencumbered balance as of June 30, 2020, in appropriation item C37852, East Campus Exterior Plaza, plus \$64,522. Prior to the expenditure of this appropriation, the Cuyahoga

Community College shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$64,522.

Sec. 223.15. LOCAL PARKS, RECREATION, AND CONSERVATION PROJECTS

The amount reappropriated from the foregoing appropriation item C725E2, Local Parks, Recreation, and Conservation Projects, shall be equal to the amount of all unreleased local parks projects and allowable administrative costs specified in this section, unless amounts are released prior to June 30, 2020. Prior to the expenditure of this appropriation, the Department of Natural Resources shall certify to the Director of Budget and Management canceled encumbrances in the amount of at least \$52,144.

Of the foregoing appropriation item C725E2, Local Parks, Recreation, and Conservation Projects, an amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects.

Project List

Lakefront Pedestrian Bridge	\$ 3,500,000
Flats East Development	\$ 2,000,000
City of Cleveland - Lakefront Access Project	\$ 1,500,000
Bridge to Wendy Park	\$ 1,000,000
Worthington Pools Renovation	\$ 1,000,000
Dublin Bridge Park and Greenways Project	\$ 650,000
The REC at Crawford Commons Facility	\$ 500,000
Buckeye Lake Feeder Channel Restoration	\$ 400,000
Buckeye Lake Public Pier	\$ 400,000
Danny Thomas Park Renovation	\$ 400,000
Lincoln Park Stadium and Field Restoration	\$ 400,000
Whitehall Community Park Extension	\$ 400,000
Miami Canal Trail Extension at Gilmore	\$ 350,000
MetroPark	
Dover Riverfront Trailhead Connector	\$ 350,000
Glenford Earthworks Phase III	\$ 300,000
Solon-Chagrin Falls Multi-purpose Trail	\$ 300,000
Wadsworth City Park	\$ 300,000
Tiffin Recreation, Arts and Learning Park	\$ 300,000
Wooster Venture Boulevard Park Project	\$ 300,000
Muskingum River Lock and Dam	\$ 250,000
New Bremen Bike Path	\$ 250,000
Grand Lake Shoreline Water Quality Improvements	\$ 250,000

Jeffrey Mansion Expansion Project	\$ 250,000
Montgomery Gateway Keystone Park	\$ 250,000
Village of Woodmere Chagrin Valley	\$ 215,000
Gateway Pedestrian Trail	
Dayton Webster Station Landing	\$ 200,000
Little Miami State Park/Little Miami Trail	\$ 200,000
South Point Community Recreation Center	\$ 200,000
Union and Rome Townships Trails Project	\$ 200,000
Marion Tallgrass Trail	\$ 150,000
Harrisburg Baseball Complex	\$ 150,000
Mill Creek Valley Conservancy District	\$ 150,000
Corridor Revitalization	
Moberly Branch Connector Trail -	\$ 150,000
Pedestrian Bridge	
Montville Township Park Improvements	\$ 150,000
Medina County Rocky River Trail West	\$ 150,000
Branch	
Clearcreek Hazel Woods Bike Connector	\$ 150,000
Kamp Dovetail	\$ 150,000
Redskin Memorial Park Playground	\$ 145,000
Cahoon Memorial Park Improvements	\$ 130,000
Fairlawn Gully Water Quality Basins	\$ 125,000
Bremenfest Shelterhouse	\$ 100,000
Deer Park Community Center Renovation &	\$ 100,000
Trailhead	
Fairfax Ziegler Park Improvements	\$ 100,000
Steubenville Ohio River Marina	\$ 100,000
Improvement Project	
City of Sylvania SOMO Project	\$ 100,000
Brunswick Hills Township Park	\$ 100,000
Scippo Creek Conservation	\$ 75,000
Jackson Street Pier and Shoreline Drive	\$ 75,000
Revitalization Project	
Western Reserve Greenway Bike Trail	\$ 75,000
Mary Fate Park Improvements	\$ 60,000
Gallipolis Pool Project	\$ 52,144
Miami Erie Canal Cleanup	\$ 50,000
James Day Park Warrior Run	\$ 50,000
Jefferson Park Recreation Upgrades	\$ 50,000
Rocky Fork State Park Water and Electrical	\$ 50,000

Upgrade	
Avon Lake Veterans Park Gazebo	\$ 50,000
Camp Sherman Park	\$ 50,000
Willard Splash Pad and Park Improvements	\$ 50,000
Kelley Nature Preserve Boat Ramp	\$ 50,000
Bruce L. Chapin Bridge - Northcoast Inland Trail	\$ 45,000
Beaver Park Sports Field	\$ 40,000
Village of Highland Hills Gazebo	\$ 35,000
Monroeville Clark Park - North Coast Inland Trail Connection	\$ 33,000
Camp McKinley Improvements	\$ 30,000
Crestline Park Lighting	\$ 25,000
Ohio City Warrior Trail Extension Phase 2	\$ 22,000
Waverly Canal Park	\$ 20,000
Clifton to Yellow Springs Bike Trail	\$ 20,000
Seville Memorial Park Public Restroom Facilities	\$ 15,000
Hinkley Township Park	\$ 13,000
Shiloh Firestone Park Restoration	\$ 12,000
Village of Albany Bike Paths	\$ 10,000

SECTION 610.19. That existing Sections 207.28 and 223.15 (as amended by S.B. 310 of the 133rd General Assembly) of H.B. 481 of the 133rd General Assembly are hereby repealed.

SECTION 610.20. That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) be amended to read as follows:

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2021~~ 2023.

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised Code are hereby repealed, effective October 1, ~~2021~~ 2023.

SECTION 610.21. That existing Sections 125.10 and 125.11 of H.B. 59 of

the 130th General Assembly (as amended by H.B. 166 of the 133rd General Assembly) are hereby repealed.

SECTION 610.30. That Section 757.50 of H.B. 59 of the 130th General Assembly is hereby repealed.

SECTION 701.05. (A) The database of individuals registered, and personal information of registered individuals contained within the database, for the Vax-A-Million campaign is confidential and is not a public record as defined under section 149.43 of the Revised Code.

(B) As used in this section:

"Personal information" includes the name, electronic mail address, telephone number, street address, and vaccine location information of individuals who registered for the Vax-A-Million campaign, and includes the name, electronic mail address, and telephone number of a parent or guardian.

"Vax-A-Million campaign" means the campaign held in 2021 consisting of a series of statewide drawings to provide prizes to individuals who receive a COVID-19 vaccination.

SECTION 701.60. (A) As used in this section:

(1) "Board of health" means a city board of health or a general health district, or an authority having the duties of a city board of health as authorized by section 3709.05 of the Revised Code.

(2) "Business" means a corporation, association, partnership, limited liability company, sole proprietorship, joint venture, or other business entity composed of one or more individuals, whether or not the entity is operated for profit.

(3) "Order" means any of the following:

(a) An executive order addressing COVID-19 or any other order related to such an executive order;

(b) A state or local order or rule issued under Chapter 3701. of the Revised Code related to COVID-19;

(c) A rule promulgated under division (G) of section 119.03 of the Revised Code related to COVID-19, including emergency rule 4301:1-1-13 and emergency rule 4301:1-1-80 of the Administrative Code;

(d) Any other rule, order, or directive issued by a state agency or a

board of health imposing restrictions related to COVID-19 on a business.

(4) "State agency" means the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio.

(B) Any violation or any sanction imposed in response to any violation of an order by a business that occurred between March 14, 2020, and the effective date of this section is hereby vacated, including violations adjudicated by the Liquor Control Commission under rule 4301:1-1-13, rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of the Administrative Code.

(C) Not later than thirty days after the effective date of this section, all of the following shall occur:

(1) A state agency or board of health, as applicable, shall expunge any record of a violation that is vacated under division (B) of this section.

(2) The Division of Liquor Control within the Department of Commerce and the Department of Public Safety shall expunge any record of a violation of rule 4301:1-1-13 and rule 4301:1-1-80, and, insofar as the violation relates to COVID-19, rule 4301:1-1-52(B)(1) of the Administrative Code, that occurred between March 14, 2020, and the effective date of this section. The Liquor Control Commission shall notify any business that was convicted of a penalty under rule 4301:1-1-13 or rule 4301:1-1-80, or of a penalty related to COVID-19 under rule 4301:1-1-52(B)(1) of the Administrative Code, that the conviction is expunged.

(3) A state agency or board of health shall treat any finding of a violation vacated and expunged under this section as a nullity and take the steps within its power, forthwith, to restore any rights or privileges lost as a result of a finding of a violation. These steps shall include but shall not be limited to reinstatement of a revoked license and other right or privilege to do business.

(D) Not later than thirty days after the effective date of this section, all of the following shall occur:

(1)(a) Except as provided in division (D)(1)(b) of this section, the Director of Budget and Management, in consultation with state agencies, shall determine the amount of money collected by a state agency in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the Director shall refund to each business the amount of penalties paid by each such business. The total amount of these refunds is hereby appropriated. If the business no longer exists, the Director shall make a reasonable effort to locate, and issue the refund to, the owner

of the business.

(b) A financial penalty that was paid by a business for a conviction under rule 4301:1-1-13 or rule 4301:1-1-80, or for a COVID-19 related conviction under rule 4301:1-1-52(B)(1) of the Administrative Code, shall be refunded under division (D)(1)(a) of this section, unless another conviction was assessed at the time of the adjudication for a violation not related to rule 4301:1-1-13 or rule 4301:1-1-80, or not related to a COVID-19 enforcement of rule 4301:1-1-52(B)(1) of the Administrative Code.

(2) A board of health shall determine the amount of money collected by the board of health in civil or administrative penalties for each violation of an order by each business that occurred between March 14, 2020, and the effective date of this section. After that determination, the board of health shall refund to each business the amount of penalties paid by each such business. If the business no longer exists, the board of health shall make a reasonable effort to locate, and issue the refund to, the owner of the business.

(E) Not later than thirty days after the actions required under divisions (C) and (D) of this section are complete, the Liquor Control Commission shall issue a report to the House of Representatives and the Senate that all violations of rule 4301:1-1-13 and rule 4301:1-1-80, and all COVID-19-related violations of rule 4301:1-1-52(B)(1) of the Administrative Code, have been expunged and that fine money related to those violations was refunded.

(F) If a state agency or board of health has initiated, but has not completed, disciplinary action against a business for violation of an order that occurred between March 14, 2020, and the effective date of this section, the state agency or board of health shall cease taking such action regarding the order.

(G) This section shall not be construed as prohibiting a state agency or board of health from enforcing restrictions, requirements, or other matters not satisfying the definition of "order" in division (A) of this section.

(H) Notwithstanding other jurisdictional or venue limitations, any business may bring an action in the court of common pleas in a county where the business is located to enforce the rights, privileges, and obligations identified in this section.

SECTION 701.70. (A)(1) As used in this section:

(a) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.

(b) "Trooper" means an individual appointed as a State Highway Patrol Trooper under section 5503.01 of the Revised Code.

(2) Not later than December 1, 2021, the Attorney General shall create a pilot program for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code. The pilot program shall be administered by the office of the Attorney General, in accordance with this section. The pilot program shall be a one year program, to be in existence for calendar year 2022.

(3) Not later than December 2, 2021, each law enforcement agency that has peace officers or troopers who are subject to the training requirement set forth in section 109.803 of the Revised Code shall certify to the Attorney General the total of all salaries to be paid in calendar year 2022 to officers or troopers of the agency who will receive that training in calendar year 2022 and the hourly rate of pay for each of those officers and troopers.

(4) Not later than January 1, 2022, the Attorney General shall begin the operation of the pilot program established under division (A)(2) of this section. Prior to that date, the Attorney General shall establish rules, under section 111.15 of the Revised Code, for the operation and administration of the pilot program, for the determination of eligibility for funding and payments under the program, and for the provision of funding and payments under the pilot program, in accordance with this section. From money appropriated to the Attorney General for the purposes of the pilot program, the Attorney General shall pay to each law enforcement agency that has peace officers or troopers who are subject to the training requirement set forth in section 109.803 of the Revised Code an amount to cover up to fifty per cent of the total cost of the salaries of the officers or troopers of the agency to be paid to officers or troopers who will receive that training in calendar year 2022, as certified by the agency in accordance with division (A)(3) of this section, during the period of the training. The amount to be paid shall cover only the period during which the officers or troopers are receiving that training and shall not exceed an amount covering twenty-four hours of the training. If the amount of the money appropriated to the Attorney General for the purposes of the pilot program is insufficient to pay fifty per cent of the total cost of the salaries of the peace officers or troopers of all law enforcement agencies to be paid in calendar year 2022 to officers or troopers who will receive that training in calendar year 2022, the amount to be paid to each such agency shall be reduced proportionately so that each agency is paid an equal percentage of its cost in the year for the training. No payment shall be made to any law enforcement agency under this division after January 1, 2023. If a law enforcement agency that receives money

under this division does not use all of the money for the salaries certified by the agency in accordance with division (A)(3) of this section, the agency shall return all of the money not used to the Attorney General.

A law enforcement agency that receives any payments under this division shall be responsible for paying the cost of training of its peace officers or troopers required under section 109.803 of the Revised Code that exceeds the amount of the payment received under the pilot program under this division.

(5) Except as otherwise provided in this division, state funding for the training of peace officers or troopers that is required under section 109.803 of the Revised Code shall be provided in calendar year 2022 only in accordance with division (A)(4) of this section, notwithstanding former section 109.802 of the Revised Code, rule 109:2-18-04 of the Administrative Code, and any other provision of law that addresses any alternative method of state funding for such training. The limitation specified in this division does not apply with respect to direct appropriations made to a state law enforcement agency.

(6) Each law enforcement agency that receives money under division (A)(4) of this section shall submit to the Attorney General, by the date specified by the Attorney General, a report that states the amount of money the agency received, how that money was used, when it was used, and any other information with respect to the use of the money that is required by the Attorney General. The Attorney General shall prepare a report that compiles the information in the reports received from law enforcement agencies under this division and submit the report to the General Assembly and the Legislative Service Commission.

(B)(1) There is created the Law Enforcement Training Funding Study Commission. The Commission shall consist of the following twelve members:

(a) The Attorney General or a designee of the Attorney General who has experience in law enforcement funding issues;

(b) The Director of Public Safety or a designee of the Director who has experience in law enforcement funding issues;

(c) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, with not more than two of the persons appointed as members being members of the same political party;

(d) Three members of the Senate appointed by the President of the Senate, with not more than two of the persons appointed as members being members of the same political party;

(e) Four members of the public appointed by the Governor, with each

such member having a law enforcement background.

(2) The Speaker of the House of Representatives, the President of the Senate, and the Governor shall make their initial appointments to the Law Enforcement Training Funding Study Commission not later than thirty days after the effective date of this Section.

(3) If an appointed member of the Law Enforcement Training Funding Study Commission ceases to hold the position that led to the member's appointment, the member is disqualified and a vacancy occurs. Vacancies of appointed members shall be filled in the same manner as original appointments.

(4) The Law Enforcement Training Funding Study Commission shall hold its first meeting not later than thirty days after the effective date of this section, regardless of whether all members have been appointed under division (B)(2) of this section. At its first meeting, the Commission shall select a chairperson, and also shall select a vice-chairperson to perform in the absence of the chairperson. The Commission shall adopt procedures to govern its proceedings and shall meet as necessary at the call of the chairperson or on the written request of a majority of its members. A majority of serving Commission members constitutes a quorum. Formal recommendations shall be made by a vote of a majority of the quorum present. Commission meetings shall be open to the public under section 121.22 of the Revised Code. The Commission shall keep minutes of its meetings as public records under section 149.43 of the Revised Code.

(5) Members of the Law Enforcement Training Funding Study Commission shall serve without compensation.

(6) The Law Enforcement Training Funding Study Commission shall study possible long-term methods for the provision of state funding to law enforcement agencies for the training of their peace officers and troopers that is required under section 109.803 of the Revised Code. The Commission shall evaluate the plans for the pilot program established under division (A) of this section as part of the study. Upon completion of the study, the Commission shall prepare a report of its findings and recommendations for a long-term method for the provision of state funding to law enforcement agencies for the training of their peace officers and troopers that is required under section 109.803 of the Revised Code. Not later than March 1, 2022, the Commission shall submit the report to the Governor, the General Assembly, the Attorney General, and the Legislative Service Commission. Upon submission of the report, the Commission shall cease to exist.

SECTION 701.80. In recognition of one of the first public housing projects in America, developed in 1940, and named for the Reverend James P. Poindexter, the Ohio History Connection shall designate Poindexter Village as a state historic site. Poindexter Village represents the birth and history of public housing in this country and reflects Ohio's place in the national story of the Great Migration. The designation shall identify the buildings at 290 North Champion Avenue, Columbus, as the Poindexter Village Historic Site. The Ohio History Connection shall mark the site, or cause the site to be marked, in accordance with the marking system established for designated historic sites within the state.

SECTION 701.90. (A) As used in this section, "meat processing plant" means a facility that:

- (1) Is located in this state;
- (2) Is in operation as of July 1, 2021; and
- (3) Provides processing services for livestock and poultry producers.

(B) The Director of Development shall establish a grant program for meat processing plants. The Director shall prescribe the grant application form.

(C) The owner or operator of a meat processing plant may apply to the Director for a grant under this section. Upon the receipt of a grant application, the Director shall review the application and score it based on the following criteria:

(1) Whether the grant will improve the applicant's processing efficiencies for livestock and poultry by allowing for the following:

- (a) New equipment, including upgrades to existing equipment;
- (b) New technology, including upgrades to existing technology; and
- (c) Training of personnel.

(2) Whether the grant will be used for the expansion or new construction of facilities for the processing of livestock and poultry, including:

- (a) Areas to confine livestock and poultry;
- (b) Areas for the processing of livestock and poultry; and
- (c) Refrigeration or freezers.

(3) Whether the grant will be used for food safety certification or to assist in obtaining cooperative interstate shipment status;

(4) Whether the grant will improve harvest services for livestock and poultry producers;

(5) Project readiness.

(D) For purposes of divisions (C)(1) through (5) of this section, the Director shall not consider the following as eligible for grant funding:

(1) Improvements to personal residences, nonfarm commercial property, and any other nonfarm structures;

(2) Agricultural tractors, motorized vehicles, and other mobile equipment with an internal combustion engine;

(3) Land purchases.

(E) Meat processing plants awarded a grant under this section shall maintain the equipment, technology, plant expansion, or new construction in working and serviceable order for a period of five years after the awarding of the grant.

(F) The Director shall not award a grant to an applicant under this section for more than two hundred fifty thousand dollars.

SECTION 715.05. (A) As used in this section, "recreational trail" means a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

(B) No park district created under Chapter 1545. of the Revised Code and located in a county with not less than 220,000 and not more than 240,000 residents according to the most recent available federal decennial census shall appropriate property pursuant to Chapter 163. of the Revised Code for the purpose of providing a recreational trail.

(C) This section expires on July 1, 2026.

SECTION 715.10. The amendment of section 1509.71 of the Revised Code by this act is intended to rename the Oil and Gas Leasing Commission as the Oil and Gas Land Management Commission and to replace the Chief of the Division of Geological Survey with the Director of Natural Resources or the Director's designee as a member of the Commission. On and after the effective date of this section, the Director of Natural Resources or the Director's designee shall assume the duties and responsibilities of the Chief of the Division of Geological Survey.

SECTION 715.20. The Director of Natural Resources shall enter into an agreement, or modify any existing agreement or memorandum of understanding, with Ashtabula County to assume ownership and operation of the Geneva Lodge and Conference Center located in Ashtabula County

by December 31, 2021. The agreement shall require the Department of Natural Resources to purchase the facility for an amount that does not exceed the outstanding mortgage at the time of purchase. The agreement also shall require the Department to assume maintenance, operating, and any other costs associated with the facility.

SECTION 715.30. The Department of Natural Resources shall meet with the Malabar Farm Foundation within thirty days after the effective date of this section to discuss entering into agreements to mutually support and advance the shared objectives of protecting, conserving, and educating the public concerning Malabar Farm State Park and the legacy of Louis Bromfield.

After the first meeting, the Department and the Foundation shall meet every other month until June 30, 2022, at which point the Department and Foundation jointly shall provide a report detailing the meetings and any agreements resulting therefrom to each member of the General Assembly who represents all or part of Richland County.

SECTION 725.10. (A) There is established the Probation Workload Study Committee within the Supreme Court of Ohio to study and discuss probation caseload principles, education standards for probation officers, workload capacity principles, and any other additional subjects determined by the Study Committee to be relevant.

(B) The Study Committee shall consist of nine members, appointed as follows:

(1) Three members shall be appointed by the Chief Justice of the Supreme Court.

(2) Three members shall be appointed by the Executive Director of the Ohio Judicial Conference.

(3) Three members shall be appointed by the President of the Ohio Chief Probation Officers Association.

(C) Members of the Study Committee shall receive no compensation for their service and shall not be reimbursed for expenses incurred through participation in the Study Committee.

(D) Not later than December 31, 2021, the Study Committee shall provide its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon submitting these

recommendations, the Study Committee is abolished.

SECTION 733.20. (A) In furtherance of the State of Ohio's intent to improve affordability in higher education, and in recognition of the positive achievements of the Ohio Faculty Council's October 2017 resolution supporting textbook affordability initiatives, the State of Ohio hereby tasks Ohio's institutions of higher education with evaluating their respective implementation of textbook affordability initiatives.

(B)(1) Consistent with requirements in Title I, Section 133 of the federal "Higher Education Opportunity Act of 2008," institutions of higher education receiving federal financial aid shall disclose required and recommended textbooks not later than the time at which students can first begin to register for a course.

(2) Prior to academic year 2022-2023, the administration of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall work collaboratively with the institution's faculty senate, or equivalent body, to consider adopting a formally recognized textbook auto-adoption policy.

(C) Not later than August 15, 2022, the board of trustees of each state institution of higher education shall adopt a resolution or otherwise formally vote to affirm or decline adoption of the policy. If the board of trustees adopts the policy as agreed upon by the administration and faculty senate, the state institution shall formally transmit a copy of its resolution to the Chancellor of Higher Education.

SECTION 733.30. (A) As used in this section, "post-secondary educational institutions" means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution of higher education holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An institution that holds a certificate of registration from the state board of career colleges and schools;

(4) An Ohio technical center, as defined in section 333.94 of the Revised Code;

(5) Any other post-secondary education provider determined appropriate by the committee.

(B) There is hereby established the Joint Legislative Study Committee regarding career pathways and post-secondary workforce training programs

in Ohio.

(C) The membership of the Committee shall consist of all of the following:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives recommended by the Minority Leader of the House of Representatives and appointed by the Speaker of the House of Representatives;

(3) The Chairperson and Ranking Member of the House Finance Subcommittee on Higher Education;

(4) Two members of the Senate appointed by the President of the Senate;

(5) One member of the Senate recommended by the Minority Leader of the Senate and appointed by the President of the Senate;

(6) The Chairperson and Ranking Member of the Senate Workforce and Higher Education Committee;

(7) The following members appointed by the Governor:

(a) A representative of the Governor's Office of Workforce Transformation;

(b) A representative of the Department of Education;

(c) A representative of the Chancellor of Higher Education.

(D) The Committee shall review both of the following:

(1) Current workforce training programs offered by post-secondary educational institutions and whether such programs are aligned with local, regional, and statewide workforce needs;

(2) Current career pathways, how they align with state, regional, and local labor market demand data, and whether they prioritize credentials that carry the most value in the labor market.

(E) The Committee shall develop recommendations regarding all of the following:

(1) The state's workforce education priorities and how those priorities are funded;

(2) A common definition for short-term credentials and certificates of value across primary, secondary, and post-secondary education providers that ensures consistency and alignment with the state's policy and funding priorities;

(3) Any strategies or programs the Committee identified that may ensure that the state's investments will increase student success and career readiness by increasing the number of workforce certificates and credentials that lead to an in-demand job, as defined in section 3333.94 of the Revised

Code;

(4) The types of reporting and data necessary for the Chancellor to collect regarding post-secondary workforce credentials, including programs for which credit is not awarded;

(5) Policy strategies identified by the Committee to increase awareness and participation by students in career-technical pathways through partnerships between primary, secondary, and post-secondary education providers and business and industry;

(6) Strategies identified by the Committee to increase work-based learning programs such as apprenticeships and programs that permit students to attend post-secondary educational institutions while maintaining their employment;

(7) Whether the state should consider prioritizing investments in short-term credentials through a new funding structure for workforce education and career-technical programs, including both of the following:

(a) State support of workforce training programs at community colleges and Ohio technical centers;

(b) Financial aid opportunities for students pursuing a workforce certificate or credential;

(8) Strategies to improve and expand short-term workforce career pathway opportunities to make them more accessible to residents of the state.

(F) The Legislative Service Commission shall provide support to the Committee.

(G) Not later than November 1, 2022, the Committee shall issue a report, in accordance with section 101.68 of the Revised Code, that includes its findings under division (D) of this section, its recommendations under division (E) of this section, and any proposed legislative changes or funding recommendations determined appropriate by the Committee.

SECTION 733.50. Notwithstanding the dates prescribed by division (D) of section 3311.054 of the Revised Code, not later than July 1, 2022, the governing board of an educational service center established under that section shall redistrict the educational service center's territory into a number of subdistricts equal to the number of board members designated under division (B)(1) of that section, based on the results of the 2020 decennial census. At the regular municipal election held in November 2023, all elected governing board members shall again be elected from the subdistricts created under this section.

If a governing board fails to redistrict the territory of its educational

service center in accordance with this section, the Superintendent of Public Instruction shall redistrict the service center not later than August 1, 2022.

SECTION 733.60. Not later than December 1, 2021, the Department shall deposit funds into ACE education savings accounts established under section 3310.70 of the Revised Code for fiscal year 2022.

SECTION 733.70. (A) Notwithstanding any section of the Revised Code to the contrary, students that meet any of the following criteria shall be eligible for a scholarship under the Educational Choice Scholarship Pilot Program for the 2021-2022 school year:

(1) Any student who was excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction during the 2020-2021 school year, regardless of whether that student was enrolled in a public or nonpublic school in any prior school year, and who, for the 2021-2022 school year, is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department of Education;

(2) Any student who was new to Ohio during the 2020-2021 school year and who, for the 2021-2022 school year, is or would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department;

(3) Any student who is enrolling in kindergarten for the 2021-2022 school year and who, for that school year, would be assigned to a school included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department;

(4) Any student who was enrolled in a public school, nonpublic school, or excused from the compulsory attendance law under section 3321.04 of the Revised Code for purposes of home instruction during the 2020-2021 school year and who meets both of the following criteria:

(a) The student was or would have been assigned to a school during the 2019-2020 school year that was included on the "EdChoice Scholarship Program 2019-2020 List of Designated Public Schools" issued by the Department.

(b) The student subsequently relocated and was or would have been assigned to a school building on the "EdChoice Scholarship Program 2020-2021 List of Designated Public Schools" during the 2020-2021 school year.

(5) Any student who was enrolled in a nonpublic school for the eighth

grade during the 2020-2021 school year and who, for ninth grade during the 2021-2022 school year, is enrolled in or otherwise would be assigned to a school building operated by the student's resident district that is on the 2019-2020 or 2021-2022 "EdChoice Scholarship Program List of Designated Public Schools" issued by the Department;

(6) Siblings of any student who is determined to be eligible under division (A)(1), (2), (3), (4), or (5) of this section or who received a scholarship during the 2020-2021 school year.

(B) Not later than July 15, 2021, the Department shall do all of the following:

(1) Develop eligibility guidance consistent with the provisions of section (A) of this section and do both of the following with that guidance:

(a) Post the guidance on the Department's web site in a prominent, easy-to-find location;

(b) Provide the guidance documents to every nonpublic school that accepts Educational Choice scholarships.

(2) Begin accepting and processing applications for the 2021-2022 school year for students eligible under division (A) of this section.

(C) For complete applications submitted by August 1, 2021, the Department shall provide notice of award or denial not later than September 15, 2021.

(D) The Department may request any individual applying for a scholarship on behalf of a student to provide appropriate documentation, as defined by the Department, that the student meets the eligibility qualifications prescribed under this section.

(E) Notwithstanding division (A)(1) of section 3310.16 of the Revised Code, as amended by this act, for the 2021-2022 school year only, the Department shall not prorate any scholarship awarded to a student under the Educational Choice Scholarship Pilot Program based on a complete application that was submitted to the Department on the student's behalf by October 31, 2021.

SECTION 741.10. (A) Notwithstanding any provision of law to the contrary, on the effective date of this section, all of the authority, functions, assets, and liabilities of the Division of Industrial Compliance that were transferred to the Division from the former Historical Boilers Licensing Board by Section 7 of H.B. 442 of the 133rd General Assembly are transferred to the new Historical Boilers Licensing Board created by section 4104.33 of the Revised Code as enacted in this act. The Board is thereupon and thereafter successor to, and assumes the obligations, duties, authorities,

and responsibilities of, the Division in relation to historical boilers. Any certificate that was issued by the Division pursuant to sections 4104.31 to 4104.37 of the Revised Code, or that was issued by the former Historical Boilers Licensing Board, that is current and valid on the effective date of this section is deemed to be a certificate issued by the Board.

Any business commenced under sections 4104.31 to 4104.37 of the Revised Code but not completed by the effective date of this section shall be completed by the Board in the same manner, and with the same effect, as if completed by the Division.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility from the Division to the Board.

All rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of the Division under sections 4104.31 to 4104.37 of the Revised Code, or the former Historical Boilers Licensing Board, shall continue in effect as rules, orders, and determinations of the Board until modified or rescinded by the Board. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect the transfer.

Any action or proceeding that is related to the functions or duties of the Division under sections 4104.31 to 4104.37 of the Revised Code, or the former Historical Boilers Licensing Board, pending on the effective date of this section is not affected by the transfer and shall be prosecuted or defended in the name of the Board. In all such actions and proceedings, the Board, on application to the court, shall be substituted as a party.

(B)(1) The following persons shall be employees of the Historical Boilers Licensing Board created by section 4104.33 of the Revised Code and shall serve in the positions previously held within their respective agencies unless the Board determines otherwise:

(a) All employees of the Historical Boilers Licensing Board that existed prior to April 12, 2021, that became employees of the Division via Section 7 of H.B. 442 of the 133rd General Assembly and that continue to be employed in that capacity by the Division on the effective date of this section;

(b) All employees thereafter hired by the Division specifically to carry out duties under sections 4104.31 to 4104.37 of the Revised Code.

(2) The transfer of responsibility from the Division to the Board shall not be deemed a transfer of employees pursuant to division (D)(3)(b) of section 124.11 of the Revised Code.

SECTION 741.11. Notwithstanding section 4104.35 of the Revised Code as enacted by this act, the Historical Boilers Licensing Board created by this act shall issue a license to a person who held an active license to operate historical boilers in public on April 12, 2021.

SECTION 743.20. (A) As used in this section:

(1) "Liquor permit holder" means the holder of a permit issued under Chapter 4303. of the Revised Code.

(2) "Rule" means rule 4301:1-1-13, rule 4301:1-1-80, or rule 4301:1-1-52(B)(1) of the Administrative Code.

(B) Notwithstanding any provision of the Revised Code to the contrary, if a liquor permit holder's permit has been revoked as a result of a violation of a rule and the violation occurred on or after March 14, 2020, but prior to the effective date of this section, the Liquor Control Commission shall reinstate the liquor permit holder's permit if, within sixty days of the effective date of this section, the permit holder pays a fine of \$2,500 to the Commission.

(C) For each permit that is reinstated under division (B) of this section, the Liquor Control Commission shall notify each of the following of the reinstatement:

(1) The liquor permit holder whose permit is reinstated;

(2) The Division of Liquor Control and the Investigative Unit of the Department of Public Safety. Following receipt of the notification, the Division and the Investigative Unit shall delete any records of the revocation.

(3) The General Assembly as provided in division (B) of section 101.68 of the Revised Code.

SECTION 745.10. (A) As used in this section:

(1) "Amusement ride" has the same meaning as under section 993.01 of the Revised Code.

(2) "Owner" has the same meaning as under section 993.01 of the Revised Code.

(3) "Registration taxes and fees" means all of the following:

(a) Any annual registration tax owed for a vehicle or trailer registered in the name of the owner under section 4503.04 or 4503.042 of the Revised Code;

(b) Any annual registration fees owed under division (C) of section 4503.10 of the Revised Code;

(c) Any local motor vehicle taxes owed under Chapter 4504. of the Revised Code;

(d) Any license plate fees owed under section 4503.19 of the Revised Code;

(e) The Bureau of Motor Vehicles or deputy registrar service fee owed under section 4503.038 of the Revised Code.

(B) Beginning on the effective date of this section until one year after the effective date of this section, the Registrar of Motor Vehicles shall waive the registration taxes and fees for any amusement ride owner that was not able to operate the owner's amusement rides in calendar year 2020.

(C) If the owner of the amusement rides registers the owner's vehicles and trailers under section 4503.103 of the Revised Code for multiple years, the Registrar shall credit the owner for one year of registration taxes and fees under that section. The owner shall pay any registration taxes and fees owed for the additional years of registration under that section.

SECTION 747.10. Section 4713.02 of the Revised Code, as amended by this act, does not affect the terms of members of the State Cosmetology and Barber Board serving on the Board on the effective date of this section.

SECTION 747.20. (A) As used in this section:

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Emergency medical services," "emergency medical technician-basic," "emergency medical technician-intermediate," "emergency medical technician-paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(3) "Physician" means an individual licensed under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(4) "Physician assistant" means an individual licensed to practice as a physician assistant under Chapter 4730. of the Revised Code.

(B) During the period beginning on the effective date of this section and ending October 1, 2022, and notwithstanding any conflicting provision of the Revised Code, a first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic may perform emergency medical services in any

setting, including in any area of a hospital, if the services performed under the direction and supervision of one of the following:

- (1) A physician;
- (2) A physician assistant designated by a physician;
- (3) An advanced practice registered nurse designated by a physician.

(C) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, and emergency medical technician-paramedic is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the individual's performance of emergency medical services as authorized by this section, unless the services are performed in a manner that constitutes willful or wanton misconduct.

SECTION 749.10. Not later than ninety days following the effective date of the amendments made by this act to section 4927.01 of the Revised Code, the Public Utilities Commission shall amend its rules to the extent necessary to bring them into conformity with that section.

SECTION 751.10. (A) There is hereby created the Task Force on Streamlining County Level-Information Access to make recommendations on how county departments of job and family services, child support enforcement agencies, public children services agencies, and county OhioMeansJobs centers can streamline access to information across information technology systems.

(B) The Task Force shall consist of twenty-one members as follows:

(1) Two members, appointed by the Speaker of the House of Representatives, shall be members of the House of Representatives, with one member from the majority party and one member from the minority party;

(2) Two members, appointed by the President of the Senate, shall be members of the Senate, with one member from the majority party and one member from the minority party;

(3) The Director of Job and Family Services, or the Director's designee;

(4) The Medicaid Director, or the Director's designee;

(5) The Director of Administrative Services, or the Director's designee;

(6) Three representatives of the Ohio Job and Family Services Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(7) Three representatives of the Public Children Services Association of

Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(8) Three representatives of the Ohio Child Support Enforcement Agency Director's Association, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(9) Three representatives of the County Commissioners Association of Ohio, appointed by the Association, with one representative each from a small, medium, and large county, respectively;

(10) Two representatives of the Ohio Workforce Association, appointed by the Association, with one representative from a rural workforce area and one representative from a metro workforce area.

(C) Not later than October 8, 2021, the Task Force shall hold its first meeting. Members shall elect a chairperson at the first meeting.

(D) For each meeting, each Director or Director's designee shall select an appropriate subject matter expert from their respective departments, as necessary, to attend the meetings and inform the discussions.

(E) A majority of the members constitutes a quorum for the conduct of meetings. The Task Force shall comply with public records and open meetings requirements as described in sections 121.22 and 149.43 of the Revised Code.

(F) The Task Force shall do all of the following:

(1) Identify barriers to efficient operations between information technology systems that affect both department and agency operations and services to clients;

(2) For each identified barrier, explore the feasibility of allowing county employees access to more than one information technology system to provide better service to clients, including by analyzing the flexibility provided and prohibitions under federal law, regulation, guidance, and waivers;

(3) Prioritize which barriers should be addressed first based on the outcomes and efficiencies to be gained by improved streamlining processes and information sharing.

(G) Not later than February 1, 2022, the Task Force shall submit to the General Assembly a report detailing its findings and recommendations. The Task Force ceases to exist on the submission of its report.

SECTION 751.20. (A)(1) If a foster caregiver or prospective foster caregiver began continuing training or preplacement training required under sections 5103.031 to 5103.033 of the Revised Code between 2019 and 2021, the Department of Job and Family Services shall extend the certification

deadlines for the foster caregivers and prospective foster caregivers to December 31, 2021.

(2) The deadline extension described under division (A)(1) of this section shall not apply to foster caregivers or potential foster caregivers whose certification deadline is after December 31, 2021.

(B)(1) Except as permitted under division (B)(2) of this section, the Department shall not require the foster caregiver or prospective foster caregiver described under division (A) of this section to repeat training or requirements for certification that the caregiver has previously completed.

(2) The Department may require the foster caregiver or prospective foster caregiver to undergo a new background check and home inspection.

SECTION 753.10. (A) The Governor may execute one or more Governor's Deeds in the name of the State conveying to one or more Purchasers, their heirs, successors and assigns, to be determined in the manner provided in division (C) of this section all of the State's right, title, and interest in the following described real estate:

Commence at the westerly intersection of Roberts Mill Road (Township Road 96) and Old Springfield Road (County Road 13), thence westerly along the centerline of Old Springfield Road (CR 13) 893.82 feet to Place of Beginning, thence northwesterly 1585 +/- feet to the southeast corner of lands now or formerly owned by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000) thence, northerly, with the east line of said Nibert parcel and the west line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) to the south line of lands now or formerly owned by Bruce A. Roberts, Trustee, (Madison County Parcel Number 29-00363.000), thence, easterly along the south line of said Roberts parcel to an angle point in said south line, thence, northerly, continuing along the said south line of said Roberts parcel to an angle point in said south line, thence northeasterly, continuing along the said south line of said Roberts parcel 1090 +/- feet to a fence corner, thence, southeasterly, through the said State of Ohio lands and along a fence line, 1730 +/- feet to the west side of a farm drive that runs along a drainage ditch, thence southwesterly along said farm drive 3452 +/- feet to a point in the center of the drainage ditch that is on the extension of the west line of a farm drive projected from the south, thence southerly on the west line of the said farm drive to the center of Old Springfield Road, thence westerly, along the centerline of Old Springfield Road to the beginning containing

approximately 312 acres out of Madison County Parcel Number 29-00363.000.

Begin at the easterly intersection of Roberts Mill Road and Old Springfield Road, thence easterly along the center of Old Springfield Road 8320 +/- feet to the east line of lands now or formerly owned by the State of Ohio (Madison County Parcel Number 29-00789.000) and the west line of lands now or formerly owned by Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), thence southerly along the said east line of said State of Ohio parcel 2465 +/- feet to the north line of the Pennsylvania Lines LLC, railroad right of way, thence westerly, along the north line of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet to the center of Roberts Mill Road, thence with the center of Roberts Mill Road to the beginning containing approximately 455 acres.

Begin at the intersection of the Pennsylvania Lines LLC, south right of way line and the centerline of Roberts Mill Road, thence easterly with the Pennsylvania Lines LLC south right of way line, 7285 +/- feet to the northwest corner of land now or formerly owned by John R. Dunkle (Madison County Parcel Number 31-03570.000), thence southerly along said Dunkle parcel 430 +/- feet to a corner, thence westerly along other parcels now or formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence southerly along the west line of said Dunkle parcel 1500 +/- feet to an angle point in said line, thence easterly along said Dunkle lands 210 +/- feet to an angle point, thence southerly along said Dunkle lands 1150 +/- feet to the northeast corner of State of Ohio Highway Garage lands (Madison County Parcel Number 29-00777.000), thence westerly along said Highway Garage lands and lands now or formerly owned by Tyrone J. Leach (Madison County Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a point on the east line of the State of Ohio Firearms Range (Madison County Parcel Number 29-000816.000), thence northerly along the said east line of the State of Ohio Firearms Range 1390 +/- feet to a fence line projected from the east, thence easterly along said fence line 690 +/- feet to the west side of a farm drive, thence northwesterly following along the west side of the farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence line projected from the west, said fence line being the north line of the State of Ohio Firearms Range, thence westerly along the said fence line and the north line of the State of Ohio Firearms Range 2115 +/- feet to the northwest corner of said State of Ohio Firearms Range thence, southerly along the west line of the State of Ohio Firearms Range, 860 +/- feet to a fence line, thence westerly along the fence line 955 +/- feet to the

centerline of Roberts Mill Road, thence with the center of Roberts Mill Road to the beginning containing approximately 330 acres.

Begin at the southeast corner of lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) said corner also being the northwest corner of State of Ohio lands (Madison County Parcel Number 05-00542.000) and also being in the center of Marysville-London Road (SR 38), thence southerly along the center of Marysville-London Road (SR 38) 2145 +/- feet to an angle point in said road thence continuing with said road southerly 290 +/- feet to the southeast corner of State of Ohio lands (Madison County Parcel Number 05-00199.000) and the northeast corner of lands now or formerly owned by the City of London (Madison County Parcel Number 31-03614.000), thence southwesterly along the south line of said State of Ohio lands, the north line of said City of London and the lands now or formerly owned by the London City School District (Madison County Parcel Number 31-03614.001) 1886 +/- feet to the north west corner of said London City School district parcel and the northeast corner of lands now or formerly owned by GCSquared LLC (Madison County Parcel Number 31-01156.000), thence westerly along the north line of said GCSquared parcel 145 +/- feet to a fence corner, thence northwesterly, crossing said State of Ohio parcels and following said fence line 2000 +/- feet to a point where the east edge of a farm drive projected intersects, thence continuing northwesterly and along the east edge of the farm drive 338 +/- feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet to a point where a projected south line of a parcel now or formerly owned by Tom Farms, Inc. (Madison County Parcel Number 30-00030.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000) intersect, thence westerly along lands now or formerly owned by Tom Farms, Inc. (Madison County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 05-00066.000) and the north line of State of Ohio lands (Madison County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 2850 +/- feet to the beginning containing approximately 150 acres.

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if such corrections or modifications are needed to facilitate recordation of the deed or deeds to define the description of the real estate identified as no longer obligatory by the state.

(B)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, and restrictions of record; all legal highways and public rights-of-way; zoning,

building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The deed for conveyance of the real estate may contain restrictions, exceptions, reservations, reversionary interests, and other terms and conditions the Director of Administrative Services determines to be in the best interest of the State.

(3) Subsequent to the conveyance, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed may be released by the State or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed or deeds shall contain restrictions prohibiting the grantee or grantees from occupying, using, or developing, or from selling, the real estate such that the use or alienation will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (A) of this section shall be conveyed only if the Director of Administrative Services and the Director of the Department of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance is in the best interest of the state.

(C)(1) The Director of Administrative Services and the Director of Rehabilitation and Correction shall offer the sale of the real estate in the manner described in divisions (C)(2) or (C)(3) of this section.

(2) The Director of Administrative Services may offer the sale of the real estate to a purchaser or purchasers to be determined, through a negotiated real estate purchase agreement or agreements.

Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The consideration shall be paid at closing.

(3) The Director of Administrative Services shall conduct a sale of the real estate by sealed bid auction or public auction, and the real estate shall be sold to the highest bidder at a price acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction. The Director of Administrative Services shall advertise the sealed bid auction or public auction by publication in a newspaper of general circulation in Madison County, once a week for three consecutive weeks before the date on which the sealed bids are to be opened. The Director of Administrative Services shall notify the successful bidder in writing. The Director of Administrative Services may reject any or all bids.

The purchaser or purchasers shall pay ten percent of the purchase price to the Director of Administrative Services not later than five business days after receiving the notice the bid has been accepted and shall enter into a real estate purchase agreement, in the form prescribed by the Department of Administrative Services. Payment may be made by bank draft or certified check made payable to the Treasurer of State. The purchaser or purchasers shall pay the balance of the purchase price to the Director of Administrative Services within sixty days after receiving notice the bid has been accepted. A purchaser who does not complete the conditions of the sale as prescribed in this division shall forfeit as liquidated damages the ten percent of the purchase price paid to the state. If the purchaser fails to complete the purchase of the real estate, the Director of Administrative Services may accept the next highest bid, subject to the foregoing conditions. If the Director of Administrative Services rejects all bids, the Director may repeat the sealed bid auction or public auction or may use an alternative sale process that is acceptable to the Director of Administrative Services and the Director of Rehabilitation and Correction.

The Department of Rehabilitation and Correction shall pay advertising costs incident to the sale of the real estate.

(D) The real estate described in division (A) of this section may be conveyed as an entire tract or as multiple parcels as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction. The real estate described in division (A) of this section may be conveyed to a single purchaser or multiple purchasers as determined by the Director of Administrative Services and the Director of Rehabilitation and Correction.

(E) Except as otherwise specified in this section, the purchaser or purchasers shall pay all costs associated with the purchase, closing and conveyance, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

(F) The proceeds of the conveyance of facilities and interest in real estate sale or sales shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, and receipt of written notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed or Deeds to the real estate described in division (A) of this section. The deed or deeds shall state the consideration and shall be executed by the Governor in

the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser or purchasers. The purchaser or purchasers shall present the Governor's Deed for recording in the Office of the Madison County Recorder.

(H) This section shall expire three (3) years after its effective date.

SECTION 753.20. (A) The Governor may execute a Governor's Deed in the name of the State conveying to a Grantee to be determined ("Grantee"), and its successors and assigns, in the manner provided in division (D) of this section all of the State's right, title, and interest in the following described real estate:

Situated in Section 6, Township 3 East, Range 3 North and Section 36, Township 4 East, Range 3 North, M.R.S., Township of Turtlecreek, County of Warren, State of Ohio and being part of 1001.93 acres of real estate conveyed to The State of Ohio by deed recorded in Deed Book 124, Page 109 (all deed references to deeds, microfiche, plats, surveys, etc., refer to records of the Warren County, Ohio Recorders office, unless noted otherwise) and being more particularly bounded and described as follows:

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North $05^{\circ} 34' 03''$ East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence North $84^{\circ} 36' 48''$ East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of a 120.0002-acre tract of land conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 443 and an iron pin found,

Thence North $05^{\circ} 17' 35''$ East, along the east line of said Warren General Property Co., LLC, 30.00 feet to the TRUE PLACE OF BEGINNING;

Thence North $05^{\circ} 17' 35''$ East, continuing along the ease line of said Warren General Property Co., LLC, 2003.73 feet to an iron pin found at the northeast corner of said Warren General Property Co., LLC;

Thence North $84^{\circ} 42' 29''$ West, along the northerly line of said Warren General Property Co., LLC, 2633.41 feet to an iron pin found at the northwest corner of said Warren General Property Co., LLC and being in the easterly line of a 57.157-acre tract of land conveyed to Frick Real Estate Ltd., by O.R. Volume 2373, Page 996;

Thence North $20^{\circ} 05' 20''$ East, along the west line of said State of Ohio

Lands and the east line of lands of said Frick Real Estate Ltd., a 44.687-acre tract conveyed to S.S. Hempsted, LLC., by Deed Document #2020-021965 and the east line of a 60-acre tract conveyed to the Solid Rock Ministries International by O.R. Volume 5082, Page 417, 3399.01 feet to an iron pin set in the southerly line of lands of a 16.00-acre tract deed to the Board of Warren County Commissioners by Deed Book 418, Page 93 and the northerly line of said State of Ohio lands;

Thence S 84° 05' 40" East, along the northerly line of said State of Ohio lands and being the southerly lines of lands of said Board of Warren County Commissioners, a 101.354-acre tract conveyed to Jeff and Shannon Wieland by Deed Document #2018-017173 and a 208.0348-acre tract conveyed FRL Real Estate, LLC. by Deed Document #2018-003275, 2464.24 feet to a north easterly corner of said State of Ohio lands, Said corner being referenced by an iron pin found 1.47 feet North 06° 06' 09" East from said corner;

Thence South 06° 06' 09" West, along an easterly line of said State of Ohio lands and the westerly line of a 159.6665-acre tract conveyed to Grand Communities, LLC. (F.K.A. Grand Communities, LTD.) by O.R. Volume 5045, Page 910, 1400.13 feet to an iron pin found at a corner of said State of Ohio land and a corner of said Grand Communities, LLC. land;

Thence South 84° 19' 23" East, along a north line of the State of Ohio lands and a south line of said Grand Communities, LLC. land, 582.71 feet to an iron pin found at a north easterly corner of said State of Ohio Lands and a corner of said Grand Communities, LLC., land;

Thence South 06° 06' 50" West, along an east line of said State of Ohio and a west line of said Grand Communities, LLC. land, passing an iron pin found at 1794.45 feet at a corner of said State of Ohio lands and a corner of said Grand Communities, LLC. lands thence continuing on a new line through the State of Ohio lands a total distance of 3636.78 feet to an iron pin set;

Thence North 84° 50' 55" West, on a new line through the State of Ohio Lands, 170.39 feet to an iron pin set;

Thence South 51° 04' 44" West, on a new line through the State of Ohio Lands, 114.36 feet to an iron pin set;

Thence South 04° 59' 19" West, on a new line through the State of Ohio Lands, 145.54 feet to an iron pin set;

Thence North 84° 33' 59" West, on a new line through the lands of the State of Ohio, 957.94 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 295.9888 acres of land more or less, of which the present road occupies 0.000 acres of land more or less (87.5466

acres in section 6) and (208.4422 acres in section 36). Subject to all recorded easements and right of ways and an ingress egress easement described below.

This description was prepared for the Ohio Department of Transportation under the direction of William H. Helmick, Ohio Registered Surveyor No. 8030. Based on a survey performed in November of 2019. All iron pins set are 5/8" diameter and 30" in length and have a plastic cap marked "ODOT DIST 8". Bearings are Ohio State Plane South Zone (3402)(2011) as established by the ODOT VRS. To the best of my knowledge this description and the accompanying plat is a true and accurate representation of the conditions at that time.

The survey plat of which is filed in Volume 152, Plat 50 of the Warren County Engineer's record of land surveys.

(B) The land shall be conveyed subject to the following easement to provide ingress and egress to the Ohio Department of Correction sewer treatment plant, which encompasses the existing drive to said plant.

INGRESS-EGRESS EASEMENT

Commencing at the southeast corner of Section 6 said point also being in the centerline of State Route 63;

Thence North 05° 34' 03" East, leaving said centerline of State Route 63 and along said section line, 30.40 feet to a point in the existing right of way of said State Route 63;

Thence South 84° 36' 48" East, along the existing right of way of State Route 63, 1055.70 feet to the south east corner of lands conveyed to Warren General Property Co., LLC by O.R. Volume 5725, Page 433 and an iron pin found,

Thence North 05° 17' 35" East, along the east line of said Warren General Property Co., LLC, 30.00 feet to a point;

Thence South 84° 33' 59" East, along a new split line through said State of Ohio lands, 770.98 feet to the TRUE PLACE OF BEGINNING;

Thence N 59° 25' 46" E, along a new line through the lands of State of Ohio, 92.53 feet to a point;

Thence N 78° 33' 02" E, continuing a new line through the lands of State of Ohio, 44.89 feet to a point;

Thence S 84° 38' 05" E, continuing a new line through the lands of State of Ohio, 68.62 feet to a point in the west line of the sewer treatment plant;

Thence S 04° 59' 19" W, along the west line of the sewer treatment plant, 30.00 feet to a point;

Thence N 84° 38' 05" W, on a new line through the lands of State of Ohio, 64.38 feet to a point;

Thence S 78° 33' 02" W, continuing a new line through the lands of State of Ohio, 35.40 feet to a point;

Thence S 59° 25' 46" W, continuing a new line through the lands of State of Ohio, 46.20 feet to a point;

Thence N 84° 33' 59" W, along a split line through the lands of State of Ohio, 51.03 feet to the TRUE PLACE OF BEGINNING.

The above described area contains 0.1212 acres of land more or less, of which the present road occupies 0.000 acres of land more or less.

The foregoing legal description may be corrected or modified by the Department of Administrative Services to a final form if such corrections or modifications are needed.

(C)(1) The conveyance includes improvements and chattels situated on the real estate, and is subject to all easements, covenants, conditions, and restrictions of record: all legal highways and public rights-of-way; zoning, building, and other laws, ordinances, restrictions, and regulations; and real estate taxes and assessments not yet due and payable. The real estate shall be conveyed in an "as-is, where-is, with all faults" condition.

(2) The deed for conveyance of the real estate may contain restrictions, exceptions, reservations, reversionary interests, or other terms and conditions the Director of Administrative Services determines to be in the best interest of the State.

(3) Subsequent to the conveyance, any restrictions, exceptions, reservations, reversionary interests, or other terms and conditions contained in the deed may be released by the State or the Department of Rehabilitation and Correction without the necessity of further legislation.

(4) The deed shall contain restrictions prohibiting the purchaser from occupying, using, developing, or selling the real estate if the occupation, use, development, or sale will interfere with the quiet enjoyment of neighboring state-owned land.

(5) The real estate described in division (a) of this section shall be conveyed only if the Director of Administrative Services and the Director of Rehabilitation and Correction first have determined that the real estate is surplus real property no longer needed by the state and that the conveyance is in the best interest of the state.

(D) The Director of Administrative Services shall offer the real estate to the Grantee through a real estate purchase agreement. Consideration for the conveyance of the real estate shall be at a price and at terms and conditions acceptable to the Director of Administrative Services and the Director Rehabilitation and Correction.

(E) The real estate described in division (A) of this section shall be sold

as an entire tract and not in parcels.

(F) Grantee shall pay all costs associated with the purchase, closing and conveyance of the real estate, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

The net proceeds of the sale shall be deposited into the state treasury to the credit of the Adult and Juvenile Correctional Facilities Bond Retirement Fund in accordance with section 5120.092 of the Revised Code.

(G) Upon payment of the purchase price, and receipt of written notice from the Director of Administrative Services, the Auditor of State, with the assistance of the Attorney General, shall prepare a Governor's Deed to the real estate described in division (A) of this section. The Governor's Deed shall state the consideration and shall be executed by the Governor in the name of the State, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the Grantee. The Grantee shall present the Governor's Deed for recording in the Office of the Warren County Recorder.

(H) This section shall expire June 30, 2022.

SECTION 753.30. (A)(1) Notwithstanding division (A)(5) of section 123.01 of the Revised Code, the Director of Administrative Services may execute a perpetual easement in the name of the state granting to the owner of the real property located at 60 East Broad Street, Columbus, Ohio 43215 a perpetual easement. The easement may be granted for the purpose of maintaining the wall for which a forty-year easement was granted to The Railroad Savings and Loan Company by the Ohio Building Authority in 1974 and burdening the following described real estate, as described in the 1974 easement:

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of Inlot No. 449 Parcel No. I.

Beginning at a P.K. nail at the southeast corner of Inlot Lo. 449; thence North (87°-43'-30") West, along the southerly line of said Inlot No. 449, a distance of one and twelve hundredths (1.12') feet to a point; thence North (02°-15'-00") East, thirty-one and no hundredths (31.00) feet to a point; thence South (87°-43'-30") East, a distance of one and twelve hundredths (1.12') feet to a point in the easterly line of Inlot No. 449; thence South (02°-15'-00") West, thirty-one and no hundredths (31.00') feet to the place of beginning and containing 34.72 square feet more or less. The rights granted on the land described above include permission to construct a Refacing Wall over the Ohio Building Authority, State Office Tower and attached to the

westerly side of the Railroad Savings and Loan Building at 60 East Broad Street, Columbus, Ohio. The plans to be used for said Refacing prepared by Brubaker/Brandt Inc., Architects-Planners.

Parcel No, II

Beginning at a point in the easterly property line of Inlot No. 449 that is located North (02°-15'-00") East, twenty-seven and no hundredths (27 .00) feet from the southeast corner of said Inlot; thence North (02°-15'-00") East, along said easterly property line, sixty-six and no hundredths (66.00) feet to a point; thence North (87-43'-30") West, zero and five tenths (0.5") feet to a point on the east face of the new Ohio Building Authority State Office Tower; thence South (02°-15'-00") West, along the east face of said building sixty-six and no hundredths (66.00') feet to a point; thence South (87°-43'-30") East, zero and five tenths (0.5') feet to the place of beginning and containing 33.0 square feet more or less. The rights granted as described above include aerial rights only with permission to attach to the above mentioned State Office Tower a Gutter and Flashing as shown on plans Prepared by Brubaker/Brandt Inc., Architects-Planners.

(2) The legal description in division (A)(1) of this section may be corrected or modified by the Department of Administrative Services as necessary in order to facilitate recording of the perpetual easement or to account for changes in circumstances since the 1974 easement was granted.

(B) Consideration for granting the perpetual easement is \$1.

(C) The Director of Administrative Services, with the assistance of the Attorney General, shall prepare the perpetual easement document. The perpetual easement shall state the consideration and the terms and conditions for granting the perpetual easement. The perpetual easement shall be executed by the Director of Administrative Services in the name of the state, presented in the Office of the Auditor of State for recording, and delivered to the owner of the real property at 60 E. Broad St., Columbus, Ohio 43215. The owner shall present the perpetual easement for recording in the Office of the Franklin County Recorder. The owner shall pay the recording costs and fees.

(D) This section expires three years after its effective date.

SECTION 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM

There is hereby established in the Highway Operating Fund (Fund 7002), used by the Department of Transportation, a Diesel Emissions Reduction Grant Program. The Director of Environmental Protection shall administer the program and shall solicit, evaluate, score, and select projects

submitted by public and private entities that are eligible for the federal Congestion Mitigation and Air Quality (CMAQ) Program. The Director of Transportation shall process Federal Highway Administration-approved projects as recommended by the Director of Environmental Protection.

In addition to the allowable expenditures set forth in section 122.861 of the Revised Code, Diesel Emissions Reduction Grant Program funds also may be used to fund projects involving the purchase or use of hybrid and alternative fuel vehicles that are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program.

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program.

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2022 and fiscal year 2023.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

SECTION 755.20. (A) The Director of Transportation, in consultation with the chief executive officers and legislative authorities of the municipal corporations of Strongsville, North Royalton, and Brunswick, shall conduct a traffic safety study for the roads and highways in those municipal corporations. The traffic safety study shall examine how to improve those highways in ways that increase the safety and convenience of the traveling public through those municipal corporations. The Director of Transportation

shall use up to \$100,000 in fiscal year 2022 from the Highway Operating Fund (Fund 7002), through funding available under the federal flexible spending program, to pay for the costs of the study. This amount is hereby appropriated.

(B)(1) Not later than December 31, 2022, the Director shall complete the study and submit a report of the study's findings to all of the following:

- (a) The Governor;
- (b) The Speaker of the House of Representatives;
- (c) The President of the Senate;
- (d) The chairpersons of the committees of the House of Representatives and the Senate pertaining to transportation;
- (e) The chief executive officer and the legislative authority of Strongsville, North Royalton, and Brunswick respectively.

(2) The Director may include in the report solutions for the traffic safety concerns found during the study.

SECTION 755.30. The Director of Transportation, in consultation with the county engineers of Miami County and Darke County, shall conduct a traffic study for the intersection of United States Route number thirty-six and State Route number seven hundred twenty-one. The traffic study shall examine how to improve the intersection in ways that increase the safety and convenience of the traveling public, particularly examining if installing a traffic control signal will result in such an increase. The Director shall complete the traffic study not later than August 1, 2022.

SECTION 757.10. The State of Ohio does not intend to collect tax on unemployment compensation reported to unsuspecting victims of fraud on an Internal Revenue Service form 1099-G from the Ohio Department of Job and Family Services consistent with Internal Revenue Service Information Release 2021-24. The State of Ohio also strongly encourages victims of fraud to report that fraud to the agency that issued the 1099-G to avoid potential billings and assessment from the Internal Revenue Service.

The Director of Job and Family Services and the Tax Commissioner shall cause information to be published on the web sites of their respective agencies informing Ohio residents about fraudulent misrepresentations made to obtain unemployment compensation. This information shall include a description of the penalties for such misrepresentations prescribed in section

4141.35 of the Revised Code, any recommended preventive measures to assist a resident in avoiding unemployment compensation fraud, and any actions recommended when a resident suspects or detects such fraud. The information shall be published as soon as practicable after the effective date of this section and remain on the applicable web site until June 30, 2023.

SECTION 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2022-2023 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2022-2023 biennium and future biennium.

Biennial Business Incentive Tax Credit Estimates

Tax Credit	Estimate of total value of tax credits authorized		Estimate of tax credits issued/claimed		Expected Outstanding credits End of Biennium
	FY 2022	FY 2023	FY 2022	FY 2023	
	(All figures in thousands of dollars)				
Job Creation Tax Credit*	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000
Job Retention Tax Credit	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900
Historic Preservation Tax	\$60,000	\$60,000	\$70,000	\$75,000	\$155,000

Credit

Motion Picture Tax Credit	\$40,000	\$40,000	\$47,500	\$42,500	\$85,000
New Markets Tax Credit	\$10,000	\$10,000	\$9,850	\$9,500	\$43,500
R&D Loan Tax Credit	\$0	\$0	\$1,450	\$1,450	\$5,000
InvestOhio Tax Credit	\$2,250	\$2,000	\$1,500	\$1,500	\$3,250
Ohio Rural Business	\$0	\$0	\$11,250	\$11,250	\$22,500
Ohio Opportunity Zone	\$25,000	\$25,000	\$20,000	\$20,000	\$0
Estimate Total	\$242,250	\$247,000	\$329,621	\$324,551	\$1,312,150

*The Job Creation Tax Credit (JCTC) estimate of credits outstanding represents the estimated potential value of certificates to be issued under the program in the future with the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

SECTION 757.30. (A) The Department of Insurance and the Department of Medicaid shall complete a joint study analyzing the following:

- (1) Whether allowing an incentive such as a tax credit or other incentive

based on the cost an individual incurs to purchase long-term care insurance would increase the number of Ohioans that purchase such insurance;

(2) Whether employers or other group insurance plan providers should be able to purchase long-term care insurance policies for their employees or members, and whether allowing an incentive such as a tax credit or other incentive to such employers or providers would increase the number of Ohioans with such insurance;

(3) Whether hybrid life insurance policies should be included in the state long-term care partnership program, as that term is defined in section 3923.41 of the Revised Code.

(B) On or before June 30, 2022, the Departments shall issue this study to the General Assembly, in accordance with division (B) of section 101.68 of the Revised Code, and the Governor. The study shall recommend incentive options and a range of incentive amounts, if any, that could achieve the goals described in divisions (A)(1) and (2) of this section.

SECTION 757.40. (A) The amendment or enactment by this act of Section 29 of H.B. 197 of the 133rd General Assembly and this section are remedial in nature and apply to any municipal income tax withholding obligation incurred, and any qualifying wages earned, between January 1, 2021, and December 31, 2021.

(B) If an employer withheld and remitted municipal income tax from an employee's qualifying wages earned between March 9, 2020, and December 31, 2021, to the municipal corporation in which the employee's principal place of work is located, the employer shall not be assessed any tax, penalty, or interest by any other municipal corporation for failure to situs or apportion those wages to the other municipal corporation for municipal net profit tax purposes or for failure to withhold municipal income tax from such wages to the other municipal corporation.

(C) Division (C) of this section applies to taxes withheld and remitted on and after January 1, 2021, and before December 31, 2021.

(1) Division (C)(16)(b) of section 718.01 of the Revised Code does not apply to qualifying wages for which an employer withheld and remitted municipal income tax to the municipal corporation in which the employee's principal place of work is located in accordance with Section 29 of H.B. 197 of the 133rd General Assembly, either as enacted or as amended by this act, unless the employee obtains a refund from that municipal corporation with respect to such qualifying wages.

(2) Notwithstanding division (C)(1) of this section, with regard to qualifying wages withheld to the municipal corporation in which the

employee's principal place of work is located in accordance with Section 29 of H.B. 197 of the 133rd General Assembly, as amended by this act, if the employee does not obtain a refund from that municipal corporation with respect to such qualifying wages, both of the following apply for purposes of determining the amount of tax owed by the employee to the municipal corporation in which the employee resides:

(a) To the extent that the tax rate levied by the employee's municipal corporation of residence is higher than the tax rate levied by the municipal corporation in which the employee's principal place of work is located, the municipal corporation of residence may treat the employee's qualifying wages as income that is not exempt income solely for the purpose of determining the amount of tax owed to that municipal corporation because of its higher tax rate.

(b) To the extent that the employee's municipal corporation of residence, by ordinance or resolution, grants a credit of less than one hundred per cent of the taxes that a resident paid to another municipal corporation, the municipal corporation of residence may treat the employee's qualifying wages as income that is not exempt income solely for the purpose of determining the amount of tax, less credits, that is owed to that municipal corporation because the credit equals less than one hundred per cent of the taxes paid to another municipal corporation.

(D) Notwithstanding section 718.19 of the Revised Code, with respect to any request for a refund of taxes withheld by an employer from qualifying wages pursuant to Section 29 of H.B. 197 of the 133rd General Assembly, a tax administrator may not require, as a condition for processing the request, any statement or other documentation from the employer other than a statement verifying the number of days the employee worked at the employee's principal place of work during the taxable year and that the employer did not refund any withheld taxes to the employee.

SECTION 757.50. As used in this section, "qualified property" means any property that satisfies the qualifications for tax exemption under the terms of section 5709.12 or 5709.121 of the Revised Code, that is owned by a nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code, and, before its conveyance to that organization, was owned by a school district.

Notwithstanding section 5713.081 of the Revised Code, when qualified property has not received tax exemption due to a failure to comply with Chapter 5713. or section 5715.27 of the Revised Code, the property's owner,

at any time on or before twelve months after the effective date of this section, may file with the Tax Commissioner an application requesting that the property be placed on the tax-exempt list and that all unpaid taxes, penalties, and interest on the property be abated.

The application shall be made on the form prescribed by the Commissioner under section 5715.27 of the Revised Code and shall list the name of the county in which the property is located; the property's parcel number or legal description; its assessed value; the amount in dollars of the unpaid taxes, penalties, and interest; and any other information required by the Commissioner. The county auditor shall supply the required information upon request of the applicant.

After receiving and considering the application, the Commissioner shall determine if the applicant meets the qualifications set forth in this section. If so, the Commissioner shall issue an order directing that the property be placed on the tax-exempt list of the county and that all unpaid taxes, penalties, and interest be abated. If the Commissioner finds that the property is not now being used for an exempt purpose or is otherwise ineligible for abatement of taxes, penalties, and interest under this section, the Commissioner shall issue an order denying the application.

If the Commissioner finds that the property is not entitled to tax exemption and to the abatement of unpaid taxes, penalties, and interest, the Commissioner shall order the county treasurer of the county in which the property is located to collect all taxes, penalties, and interest due on the property for those years in accordance with law.

The Commissioner may apply this section to any qualified property that is the subject of an application for exemption pending before the Commissioner on the effective date of this section without requiring the property owner to file an additional application.

SECTION 757.60. The Director of Development shall begin accepting applications under section 122.151 of the Revised Code for certification as a program two rural business growth fund not later than thirty days after the effective date of this section.

SECTION 757.70. (A) There is hereby created the Federally Subsidized Housing Study Committee to be composed of the following members:

(1) Three members of the Senate, two of whom are members of the majority party and one of whom is a member of the minority party, appointed by the President of the Senate;

(2) Three members of the House of Representatives, two of whom are members of the majority party and one of whom is a member of the minority party, appointed by the Speaker of the House of Representatives;

(3) One member from each of the following, appointed by the Governor:

(a) The Ohio Bankers League;

(b) The Ohio Housing Council;

(c) The Ohio Homebuilders Association;

(d) Ohio REALTORS;

(e) The Ohio Insurance Institute;

(f) The County Auditors Association of Ohio;

(g) The Ohio School Boards Association;

(h) The County Commissioners Association of Ohio;

(i) The International Association of Assessing Officers. The person appointed from this Association shall be an Ohio resident;

(j) The Ohio Society of CPAs.

(B)(1) The Committee shall author a report making recommendations about the valuation and valuation process of federally subsidized residential rental property.

(2) The Committee shall submit the report to the President of the Senate, the Speaker of the House of Representatives, and the minority party leaders of the Senate and the House of Representatives not later than July 1, 2022.

(C) Members of the Committee shall serve at the pleasure of the appointing authority and without compensation.

(D) The Committee shall dissolve upon the submission of the report required under division (B) of this section.

SECTION 803.20. The amendment by this act of sections 4303.26 and 4303.271 of the Revised Code applies to transfer and renewal applications filed under those sections that are due on or after February 1, 2022.

SECTION 803.30. (A) If a qualifying parking garage, as defined in division (G) of section 5709.121 of the Revised Code, is subject to an exemption authorized under the enactment by this act of that division for tax year 2020, an exemption application for that tax year shall be filed with the Tax Commissioner on or before the thirtieth day after the effective date of this section, notwithstanding division (F) of section 5715.27 of the Revised Code. Any taxes paid for a tax year for which such an exemption application is approved under this section shall be regarded as an overpayment of taxes

for the tax year and shall be refunded in the manner prescribed by section 5715.22 of the Revised Code, except that no application need be made under that section in order for the auditor to issue a refund. The county auditor and county treasurer shall otherwise proceed as provided in that section in the same manner as for other overpayments of taxes.

(B) If qualifying real property, as defined in section 727.031 of the Revised Code, as enacted by this act, is subject to an exemption authorized under the amendment or enactment by this act of that section or section 1710.06, 6101.48, or 6101.53 of the Revised Code for tax year 2020, any assessments levied pursuant to those sections and paid for that tax year on such qualifying real property shall be regarded as an overpayment of such assessments and shall be refunded in the manner prescribed by section 5715.22 of the Revised Code, except that no application need be made under that section in order for the auditor to issue a refund. The county auditor and county treasurer shall otherwise proceed as provided in that section in the same manner as for other overpayment of assessments.

SECTION 803.50. The amendment of section 5726.20 of the Revised Code is intended to clarify the law as it existed prior to the enactment of this act and shall be construed accordingly.

SECTION 803.60. The amendment or enactment by this act of divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of the Revised Code is intended to clarify the law as it existed before the enactment of this act and shall be construed accordingly.

SECTION 803.70. The amendment by this act of division (H) of section 5747.08 of the Revised Code is intended to clarify the law as it existed before the amendment by this act of that division and shall be construed accordingly. The amendment applies to taxable years beginning on or after January 1, 2016.

SECTION 803.90. The amendment by this act of section 5705.19 of the Revised Code applies to property tax questions considered at any election held on or after the one hundredth day after the effective date of this section.

SECTION 803.93. The amendment by this act of sections 5739.01, 5739.02, and 5739.03 of the Revised Code applies on and after the first day of the first month beginning after the effective date of this section.

SECTION 803.97. (A) The amendment or enactment by this act of sections 5747.02, 5747.72, and 5747.73 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

(B) The Tax Commissioner shall not make adjustments in 2021 to the income amounts in divisions (A)(2) and (3) of section 5747.02 of the Revised Code, as otherwise required by division (A)(5) of that section, or make adjustments in 2021 or 2022 to the personal exemption amounts prescribed in division (A) of section 5747.025 of the Revised Code, as otherwise required by divisions (B) and (C) of that section.

SECTION 803.100. The amendment by this act of sections 5727.80 and 5727.81 of the Revised Code is intended to clarify the meaning of those sections as they existed prior to the effective date of this section and is not intended to change the meaning in any way.

SECTION 803.120. The amendment by this act of sections 503.56 and 715.014 of the Revised Code is intended to clarify the law as it existed prior to the enactment of this act and shall be construed accordingly.

SECTION 803.130. The amendment by this act of division (L) of section 5747.08 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

SECTION 803.150. The amendment by this act of section 5709.17 of the Revised Code applies to tax year 2021 and every tax year thereafter.

SECTION 803.170. The amendment by this act of division (F)(2)(nn) of section 5751.01 of the Revised Code applies to any excess surplus of the state insurance fund received by taxpayers on and after January 1, 2022.

SECTION 803.180. The enactment by this act of section 5747.75 of the Revised Code applies to taxable years beginning on or after January 1, 2021.

SECTION 803.190. The notification requirement prescribed by the enactment by this act of section 5713.083 of the Revised Code applies to tax year 2022 and every tax year thereafter.

SECTION 803.210. The amendment by this act of sections 5709.40 and 5709.41 of the Revised Code applies to any proceedings commenced or ordinances adopted after the amendment's effective date, and, so far as the amendment supports the actions taken, also applies to proceedings that, on that effective date, are pending or in process, notwithstanding the applicable law previously in effect. Any proceedings pending or in progress on that effective date shall be deemed to have been taken in conformity with that amendment.

SECTION 803.220. The amendment by this act of division (E) of section 5709.121 of the Revised Code applies to tax year 2021 and every tax year thereafter.

SECTION 803.230. The Attorney General shall begin to accept applications for licenses to conduct electronic instant bingo under Chapter 2915. of the Revised Code, as amended by this act, on January 1, 2022, and shall begin to issue those licenses on April 1, 2022.

SECTION 806.10. SEVERABILITY

The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

SECTION 809.10. NO EFFECT AFTER END OF BIENNIUM

An item of law, other than an amending, enacting, or repealing clause, that composes the whole or part of an uncodified section contained in this

act has no effect after June 30, 2023, unless its context clearly indicates otherwise.

SECTION 812.10. SUBJECT TO REFERENDUM

Except as otherwise provided in this act, the amendment, enactment, or repeal by this act of a section is subject to the referendum under Ohio Constitution, Article II, section 1c and therefore takes effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified below, on that date.

The amendment of sections 102.02, 183.021, and 183.33 and the repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 183.17 of the Revised Code by this act take effect December 30, 2021.

The amendment of section 127.13 of the Revised Code by this act takes effect January 1, 2022.

The amendment of section 1907.15 of the Revised Code by this act takes effect January 1, 2022.

The amendment of section 3313.411 of the Revised Code by this act takes effect July 1, 2022.

The enactment of section 5163.52 of the Revised Code by this act takes effect January 1, 2022.

SECTION 812.20. The amendment, enactment, new enactment, or repeal by this act of the sections listed below is exempt from the referendum under section 1d of Article II, Ohio Constitution, and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 3302.043, 3302.103, 3313.905, 4301.43, 5165.15, 5165.151, 5165.25, 5165.26, 5165.36, 5751.02, and 5751.03 of the Revised Code.

The amendments to divisions (A)(1)(a)(ii) to (iv) of section 3310.03 of the Revised Code.

SECTION 812.23. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s and Sections 701.60, 733.70, 755.30, and 757.10 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

SECTION 820.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be

harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.572 of the Revised Code as amended by both H.B. 263 and S.B. 260 of the 133rd General Assembly.

Section 111.16 of the Revised Code as amended by both H.B. 31 and H.B. 133 of the 132nd General Assembly.

Section 121.22 of the Revised Code as amended by both H.B. 263 and H.B. 341 of the 133rd General Assembly.

Section 149.43 of the Revised Code as amended by both S.B. 4 of the 134th General Assembly and S.B. 284 of the 133rd General Assembly.

Section 1322.10 of the Revised Code as amended by both H.B. 133 of the 134th General Assembly and H.B. 263 of the 133rd General Assembly.

Section 1901.31 of the Revised Code as amended by both H.B. 49 and S.B. 25 of the 132nd General Assembly.

Section 2151.421 of the Revised Code as amended by H.B. 24, H.B. 33, and H.B. 166, all of the 133rd General Assembly.

Section 3302.036 of the Revised Code as amended by both H.B. 64 and H.B. 70 of the 131st General Assembly.

Section 3302.20 of the Revised Code as amended by both Section 101.01 and Section 120.10 of H.B. 59 of the 130th General Assembly.

Section 3310.03 of the Revised Code as amended by both H.B. 436 and S.B. 89 of the 133rd General Assembly.

Section 3314.03 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all of the 133rd General Assembly.

Section 3319.31 of the Revised Code as amended by both H.B. 123 and H.B. 263 of the 133rd General Assembly.

Section 3326.11 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.

Section 3328.24 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.

Section 3333.31 of the Revised Code as amended by both H.B. 16 and S.B. 40 of the 133rd General Assembly.

Section 4731.22 of the Revised Code as amended by H.B. 263, H.B. 442, and S.B. 260, all of the 133rd General Assembly.

Section 5126.05 of the Revised Code as amended by both H.B. 158 and H.B. 483 of the 131st General Assembly.

Section 5540.02 of the Revised Code as amended by H.B. 627 of the 121st General Assembly and H.B. 74 of the 134th General Assembly.

Section 5727.75 of the Revised Code as amended by both H.B. 6 and H.B. 166 of the 133rd General Assembly.

Section 5747.01 of the Revised Code as amended by H.B. 18, H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General Assembly.

Section 5751.01 of the Revised Code as amended by H.B. 150, H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General Assembly.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 110

134th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____